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Author and Title

New Mexico(Ter.) Laws, statutes, etc.  
Laws of the territory of New Mexico.

Call Number	Volume	Copy
KFN 3625 A222	1903	

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NAME	LOCATION

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Laws of the territory of New Mexico.

KFN	vol
3625	1903
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1903.

ACTS

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF NEW MEXICO.



THIRTY-FIFTH SESSION,

Convened in the Capitol, at the City of Santa Fe, on Monday, the 19th day of January, 1903, and adjourned the 19th day of March, 1903.

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Prepared for publication by  
J W. RAYNOLDS,  
Secretary of the Territory.

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BY AUTHORITY.

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SANTA FE, N. M.:  
NEW MEXICAN PRINTING COMPANY,  
1903.



# OFFICIAL REGISTER.

(Corrected to June 1, 1903.)

## TERRITORIAL OFFICERS.

Office.	Name.	Address.	Term expires.
Governor.....	Miguel A. Otero.....	Santa Fe.....	Jan. 22, 1906
Secretary.....	J. W. Raynolds.....	"	Jan. 13, 1906
Solicitor general.....	E. L. Bartlett.....	"	Mar. 17, 1905
Auditor.....	W. G. Sargent.....	"	"
Treasurer.....	J. H. Vaughn.....	"	"
Superintendent of penitentiary.	H. O. Bursum.....	"	"
Superintendent of public ins'n.	J. Francisco Chaves	"	"
Librarian.....	Lafayette Emmett..	"	"
Commissioner of public lands....	A. A. Keen.....	"	"
Adjutant general.....	W. H. Whiteman...	"	"
Travel'g auditor & bank exam'r.	C. V. Safford.....	"	"
Game & fish warden.....	P. B. Otero.....	"	"
Public printer.....	J. S. Duncan.....	Las Vegas.....	"
<b>JUDICIARY.</b>			
Supreme Court.			
Chief justice.....	W. J. Mills.....	Las Vegas.....	Feb. 10, 1906
Associate justice.....	John R. McFie.....	Santa Fe.....	"
"	B. S. Baker.....	Albuquerque.....	Jan. 13, 1906
"	F. W. Parker.....	Las Cruces.....	Jan. 10, 1906
"	D. H. McMillan.....	Socorro.....	Dec. 18, 1904
Clerk.....	Jose D. Sena.....	Santa Fe.....	"
District Court.			
First district (counties of Santa Fe, Rio Arriba, Taos and San Juan):			
Judge.....	John R. McFie.....	Santa Fe.....	"
Clerk.....	A. M. Bergere.....	"	"
District attorney.....	E. C. Abbott.....	"	Mar. 17, 1905
Second district (counties of Bernalillo, McKinley, Valencia and Sandoval):			
Judge.....	B. S. Baker.....	Albuquerque.....	"
Clerk.....	W. E. Dame.....	"	"
District attorney.....	F. W. Clancy.....	"	"
Third district (counties of Doña Ana, Sierra, Grant, Otero and Luna):			
Judge.....	F. W. Parker.....	Las Cruces.....	"
Clerk.....	J. P. Mitchell.....	"	"
District attorney.....	W. H. Llewellyn..	"	Mar. 17, 1905
District attorney.....			
		counties of Doña Ana, Luna & Otero.	
		R. M. Turner, counties of Grant & Sierra	
		Silver City.....	Mar. 17, 1905
Fourth district (counties of San Miguel, Leonard Wood, Quay, Mora, Colfax and Union):			
Judge.....	W. J. Mills.....	Las Vegas.....	"
Clerk.....	Secundino Romero.	"	"
District attorney.....	S. B. Davis, Jr. counties of San Miguel, Mora, Leonard Wood and Quay.	"	"
		J. Leahy, counties of Colfax and Union.	
		Raton.....	Mar. 17, 1905

## TERRITORIAL OFFICERS—Continued.

Office	Name	Address	Term Expires
Fifth district (counties of Socorro, Lincoln, Chaves, Eddy and Roosevelt):			
Judge.....	D. H. McMillan.....	Socorro.....	
Clerk.....	J. E. Griffith.....	"	
District attorney.....	A. A. Sedillo, county of Socorro.	"	Mar. 17, 1905
District attorney.....	W. H. H. Llewellyn, county of Lincoln.	Las Cruces.....	"
District attorney.....	J. M. Hervey, counties of Eddy, Chaves and Roosevelt.	Roswell.....	"

## FEDERAL OFFICERS.

Office	Name.	Address.	Term expires.
Surveyor General.....	M. O. Llewellyn.....	Santa Fe.....	Jan. 29, 1906
Collector Internal Revenue.....	A. L. Morrison.....	"	Not spfied
United States Attorney.....	W. B. Childers.....	Albuquerque.....	Feb. 13, 1905
Assist. United States Attorney.	W. C. Reid.....	Las Vegas.....	Mar. 13, 1905
"	E. L. Medler.....	Albuquerque.....	July 18, 1906
United States Marshal.....	C. M. Föraker.....	"	June 1, 1906
Chief Deputy Marshal.....	G. A. Kaseman.....	"	"
Register land office.....	M. R. Otero.....	Santa Fe.....	Jan. 29, 1906
Receiver land office.....	Fred. Muller.....	"	Dec. 12, 1905
Register land office.....	N. Galles.....	Las Cruces.....	Jan. 29, 1906
Receiver land office.....	H. D. Bowman.....	"	"
Register land office.....	Howard Leland.....	Roswell.....	"
Receiver land office.....	D. L. Guyer.....	"	Feb 23, 1907
Register land office.....	E. W. Fox.....	Clayton.....	Jan. 12, 1906
Receiver land office.....	A. W. Thompson.....	"	"
Jicarilla Indian agent.....	N. S. Walpole.....	Dulce.....	Civilservice
Navajo Indian agent.....	G. W. Hayzlett.....	Gallup.....	"
Mescalero Indian agent.....	J. S. Carroll.....	Mescalero.....	"
Supt. Government Indian school.	C. J. Crandall.....	Santa Fe.....	"
"	R. P. Collins.....	Albuquerque.....	"
Supr'g. teacher Plo. day schools.	Miss M. E. Dissette.....	Santa Fe.....	"
Attorney for Pueblo Indians.....	A. J. Abbott.....	"	Not spfied.
United States mine inspector...	Jo. E. Sheridan.....	Silver City.....	"
Court of Private Land Claims.			
Chief justice.....	J. R. Reed, of Iowa..	"	June 30, 1904
Associate justice.....	W. W. Murray, of Tennessee.....	"	"
"	H. C. Sluss, of Kas..	"	"
"	F. I. Osborne, of North Carolina.	"	"
"	W. F. Stone, of Colo	"	"
Attorney.....	M. G. Reynolds, of Missouri.....	"	"
Clerk.....	Ireneo Chaves of N.M	"	"
Delegate in Congress.			
Delegate.....	B. S. Rodey.....	Albuquerque.....	Mar. 4, 1905

## TERRITORIAL BOARDS AND INSTITUTIONS.

Name, etc.	Address.	Term expires.
Capitol Custodian Committee.		
N. B. Laughlin, president.....	Santa Fe.....	Mar. 17, 1905.
Commissioner of public lands, ex-officio secretary,....	"	"
E. L. Bartlett.....	"	"

## TERRITORIAL BOARDS AND INSTITUTIONS.—Continued.

Name, etc.	Address.	Term expires.
<b>Territorial Board of Equalization.</b>		
J. S. Duncan, president.....	Las Vegas.....	Mar. 17, 1905
Venceslao Jaramillo, secretary....	El Rito.....	"
Alejandro Sandoval.....	Albuquerque.....	"
J. A. Mahoney.....	Deming.....	"
J. F. Hinkle.....	Lower Peñasco.....	"
Martin Lohman.....	Las Cruces.....	"
Robt. P. Ervien.....	Clayton.....	"
<b>Cattle Sanitary Board.</b>		
E. G. Austen president.....	Las Vegas.....	Mar. 17, 1905
M. N. Chaffin.....	".....	"
W. H. Greer.....	Deming.....	"
C. L. Ballard.....	Roswell.....	"
W. C. Barnes.....	Dorsey.....	"
J. A. LaRue secretary.....	Las Vegas.....	"
<b>Sheep Sanitary Board.</b>		
Solomon Luna, president.....	Los Lunas.....	Mar. 17, 1905
W. S. Prager, vice president.....	Roswell.....	"
Harry W. Kelly.....	Las Vegas.....	"
Thos. D. Burns, Jr.....	Tierra Amarilla..	"
Chas. Schleter.....	Clayton.....	"
H. F. Lee, secretary.....	Albuquerque.....	"
<b>Bureau of Immigration.</b>		
W. B. Bunker, president.....	Las Vegas.....	Mar. 17, 1905
G. Pendleton, vice president.....	Aztec.....	"
A. Grunsfeld.....	Albuquerque.....	"
J. W. Bible, treasurer.....	Hanover.....	"
J. E. Torres.....	Socorro.....	"
Max Frost, secretary.....	Santa Fe.....	"
<b>Land Commission, ex-officio.</b>		
Governor.....	Santa Fe.....	
Solicitor general.....	".....	
Commissioner of publiclands.....	".....	
<b>Commission of Irrigation.</b>		
G. A. Richardson, president.....	Roswell.....	Mar. 17, 1905
F. Springer.....	Las Vegas.....	"
G. W. Knaebel, secretary....	Santa Fe.....	"
Chas. E. Müller.....	Anthony.....	"
Carl A. Dalies.....	Belen.....	"
<b>New Mexico Board of Health.</b>		
G. W. Harrison, M. D., president.....	Albuquerque.....	Mar. 17, 1905
M. F. Desmarais, M. D., vice president.....	Santa Rosa.....	"
B. D. Black, M. D., secretary.....	Las Vegas.....	"
W. D. Radcliffe, M. D., treasurer.....	Belen.....	"
J. H. Sloan, M. D.....	Santa Fe.....	"
G. C. Bryan, M. D.....	Alamogordo.....	"
J. J. Shuler.....	Raton.....	"

## TERRITORIAL BOARDS AND INSTITUTIONS—Continued.

Name, etc.	Address.	Term expires.
<b>Board of Dental Examiners.</b>		
L. H. Chamberlin, president.....	Albuquerque.....	Mar. 17, 1905
C. N. Lord, secretary and treasurer.....	Santa Fe.....	"
F. E. Olney.....	Las Vegas.....	"
A. A. Bearup.....	Carlsbad.....	"
E. L. Hammond.....	Las Vegas.....	"
<b>Board of Pharmacy.</b>		
A. J. Fischer, secretary.....	Santa Fe.....	Mar. 19, 1904
P. Moreno.....	Las Cruces.....	" 1905
W. C. Porterfield.....	Silver City.....	" 1906
E. G. Murphy.....	Las Vegas.....	" 1907
B. Ruppe, president.....	Albuquerque...	" 1908
<b>Board of Louisiana Purchase Exposition Managers.</b>		
Chas. A. Spiess, president.....	Las Vegas.....	Mar. 1, 1905
Carl A. Dalies, vice president.....	Belen.....	"
W. B. Walton, secretary.....	Silver City.....	"
Arthur Sellgman, treasurer.....	Santa Fe.....	"
H. J. Hagerman.....	Roswell.....	"
Eusebio Chacon.....	Las Vegas.....	"
F. A. Jones.....	Albuquerque....	"
<b>University of New Mexico, (Albuquerque).</b>		
Regents: a		
H. L. Waldo.....	Las Vegas.....	Sept. 2, 1903
J. H. Wroth, secretary and treasurer.....	Albuquerque....	Sept. 2, 1904
E. S. Stover.....	"	Sept. 2, 1905
F. W. Clancy, president.....	"	Sept. 2, 1906
E. V. Chavez.....	"	Sept. 2, 1907
<b>New Mexico College of Agriculture and Mechanic Arts (Las Cruces).</b>		
Regents: a		
H. B. Holt, secretary and treasurer.....	Las Cruces.....	Sept. 2, 1903
W. A. Cooper.....	Santa Fe.....	Sept. 2, 1904
G. A. Richardson, president.....	Roswell.....	Sept. 2, 1905
Seaman Field.....	Deming.....	Sept. 2, 1906
J. R. Lucero.....	Las Cruces.....	Sept. 2, 1907
<b>New Mexico Normal School (Silver City).</b>		
Regents:		
Robert Black.....	Silver City.....	Feb. 18, 1904
W. G. Ritch, president.....	Engle.....	Feb. 18, 1905
J. Corbett.....	Deming.....	Feb. 18, 1906
Percy Wilson.....	Silver City.....	Feb. 18, 1907
E. M. Young, secretary and treasurer.....	"	Feb. 18, 1908
<b>New Mexico Normal University (Las Vegas).</b>		
Regents:		
A. B. Smith, secretary and treasurer.....	Las Vegas.....	Feb. 22, 1904
C. Ilfeld.....	"	Feb. 22, 1905
M. W. Browne, president.....	"	Feb. 22, 1906
C. A. Spiess.....	"	Feb. 22, 1907
W. R. Tipton.....	"	Feb. 22, 1908
<b>New Mexico School of Mines (Socorro).</b>		
Regents:		
C. T. Brown, secretary and treasurer.....	Socorro.....	Sept. 2, 1903
F. G. Bartlett.....	Magdalena.....	Sept. 2, 1904
A. B. Fitch.....	"	Sept. 2, 1905
A. E. Rouiller.....	Paraje.....	Sept. 2, 1906
J. J. Baca, president.....	Socorro.....	Sept. 2, 1907



## TERRITORIAL BOARDS AND INSTITUTIONS.—Continued.

Name, etc.	Address.	Term expires.
<b>New Mexico Military Institute (Roswell).</b>		
<b>Regents:</b>		
J. C. Lea .....	Roswell .....	Mar. 22, 1904
Nathan Jaffa, president .....	" .....	Mar. 22, 1905
E. A. Cahoon, treasurer .....	" .....	Mar. 22, 1906
W. M. Reed, vice president .....	" .....	Mar. 22, 1907
R. S. Hamilton, secretary .....	" .....	Mar. 22, 1908
<b>Territorial Board of Education.</b>		
The Governor .....	Santa Fe .....	
The Superintendent of Public Instruction .....	" .....	
President University of New Mexico .....	Albuquerque .....	Jan. 1, 1904
Maggie J. Bucher .....	Las Vegas .....	Jan. 1, 1905
President College of Agriculture and Mechanic Arts .....	Las Cruces .....	Jan. 1, 1906
President Silver City Normal School .....	Silver City .....	Jan. 1, 1907
President of St. Michael's College .....	Santa Fe .....	Jan. 1, 1908
<b>New Mexico Insane Asylum, Las Vegas.</b>		
<b>Board of Directors: a</b>		
Thomas Ross .....	Las Vegas .....	Sept. 2, 1903
O. L. Gregory .....	" .....	Sept. 2, 1904
M. Brunswick, secretary and treasurer .....	" .....	Sept. 2, 1905
J. Reynolds president .....	" .....	Sept. 2, 1906
T. B. Hart, M. D. ....	Raton .....	Sept. 2, 1907
<b>Board of Penitentiary Commissioners.</b>		
F. H. Pierce, president .....	Las Vegas .....	Mar. 17, 1905
W. H. Newcomb .....	Silver City .....	"
Juan Navarro, secretary .....	Mora .....	"
Louis Ilfeld .....	Albuquerque .....	"
Malaquias Martinez .....	Taos .....	"
<b>Deaf and Dumb Asylum, Santa Fe.</b>		
Commission to select site:		
R. J. Palen .....	Santa Fe .....	
S. G. Cartwright .....	Santa Fe .....	
J. A. Lucero .....	Española .....	
<b>Institute for the Blind, Alamogordo.</b>		
Commission to select site:		
A. J. King .....	Alamogordo .....	
A. P. Jackson .....	Alamogordo .....	
A. J. Hager .....	Mesilla Park .....	
<b>Miners' Hospital, Raton.</b>		
Commission to select site:		
A. R. Streicher .....	Raton .....	
M. R. Mendelson .....	Raton .....	
W. F. McCash .....	Exter .....	
<b>Reform School.</b>		
Commission to select site:		
T. D. Burns .....	Tierra Amarilla .....	
Venceslao Jaramillo .....	El Rito .....	
Pedro Sanchez .....	Taos .....	

- a. Governor and Superintendent advisory members.
- b. Superintendent of Public Instruction advisory member.

Name, etc.	Address	Term Expires
<b>Orphan Children's Home, Belen Board of Regents:</b>		
Felipe Chavez.....	Belen .....	Feb. 27, 1905
Solomon Luna.....	Los Lunas.....	"
John Becker.....	Belen.....	"
<b>Albuquerque Armory, Board of Control.</b>		
Capt. J. H. Stingle.....	Albuquerque ....	Apr. 6, 1904
Capt. M. O'Donnell.....	" .....	" 1905
Maj. J. E. Elder.....	" .....	" 1906
Col. John Borrodalle.....	" .....	" 1907
<b>Las Vegas Armory, Board of Control.</b>		
Lieut. R. H. Gross.....	Las Vegas.....	Apr. 6, 1904
Capt. H. M. Smith.....	" .....	" 1905
Capt. A. P. Tarkington.....	" .....	" 1906
Maj. R. C. Rankin.....	" .....	" 1907

- a. Governor and Superintendent advisory members. 1  
b. Superintendent of Public Instruction advisory member.

### 35th Legislative Assembly.

(January 19 to March 19, 1903.)

Territory of New Mexico.

#### MEMBERS OF COUNCIL.

District.	Name.	Address.	Politics.
1. Colfax, Mora, Union....	Saturnino Pinard.....	Clapham.....	Rep.
2. San Miguel, Guadalupe.	Chas. A. Spiess.....	Las Vegas.....	"
2. San Miguel, Guadalupe.	James S. Duncan.....	Las Vegas.....	"
3. Taos, Rio Arriba, San Juan.....	Venceslao Jaramillo....	El Rito.....	"
3. Taos, Rio Arriba, San Juan.....	Malaquias Martinez....	Taos.....	"
4. Santa Fe.....	Amado Chaves.....	Santa Fe.....	"
5. Bernalillo.....	Geo. F. Albright.....	Albuquerque.....	"
5. Bernalillo, McKinley....	Thos. Hughes.....	Albuquerque.....	"
6. Valencia.....	J. Francisco Chavez....	Progreso.....	"
7. Socorro, Sierra.....	W. H. Andrews.....	Andrews.....	"
8. Doña Ana, Grant, Luna, Otero.....	W. A. Hawkins.....	Alamogordo.....	"
9. Doña Ana, Grant, Lincoln, Luna, Chaves, Eddy, Otero.....	A. B. Fall.....	Las Cruces.....	"

## MEMBERS OF HOUSE.

District.	Name.	Address.	Politics.
1. Colfax.....	M. B. Stockton.....	Raton.....	Rep.
2. Mora.....	Cristoval Sanchez.....	Ocate.....	"
3. Union.....	W. F. McCash.....	Exter.....	"
4. San Miguel.....	Pedro Romero.....	Cabra Springs...	"
4. San Miguel.....	Gregorio Gutierrez.....	Tecolote.....	"
4. San Miguel.....	W. H. Coleman.....	Las Vegas.....	"
4. Guadalupe.....	Eduardo Martinez.....	Anton Chico.....	Dem.
5. Santa Fe.....	Wm. Kilpatrick.....	Madrid.....	Rep.
5. Santa Fe.....	R. L. Baca.....	Santa Fe.....	"
6. Taos.....	Pedro Sanchez.....	Taos.....	"
7. Rio Arriba.....	Antonio D. Vargas.....	Ojo Caliente.....	"
8. Taos, Rio Arriba, San Juan.....	David Martinez, Jr.....	Velarde.....	"
8. Taos, Rio Arriba, San Juan.....	Granville Pendleton.....	Aztec.....	"
9. Bernalillo.....	Nestor Montoya.....	Albuquerque.....	"
9. ".....	Celso Sandoval.....	Sandoval.....	"
9. Bernalillo, McKinley.....	Alex Bowie.....	Gallup.....	"
10. Valencia.....	Carl A. Dalies.....	Belen.....	"
10. ".....	Martin Sanchez.....	Punta Manzano po	"
11. Socorro, Sierra.....	H. H. Howard.....	San Marcial.....	"
11. ".....	Domingo A. Ortega.....	Sabinal.....	"
12. Doña Ana, Otero.....	W. H. H. Llewellyn.....	Las Cruces.....	"
13. Grant, Luna.....	R. M. Turner.....	Silver City.....	"
14. Doña Ana, Grant, Luna, Otero.....	A. W. Pollard.....	Deming.....	"
15. Lincoln, Chaves, Eddy.....	W. A. McIvers.....	Nogal.....	Dem.

## OFFICERS OF THE COUNCIL.

J. Francisco Chaves.....	President
W. E. Martin.....	Chief Clerk
E. E. Sidebottom.....	Enrolling and Engrossing Clerk
Thos. Branigan.....	Sergeant-at-arms
J. L. Gay.....	Chaplain
Benito Lujan.....	Messenger
Florencio Cortez.....	Watchman

## OFFICERS OF THE HOUSE.

Nestor Montoya.....	Speaker
Chas. V. Safford.....	Chief Clerk
O. P. Hovey.....	Enrolling and Engrossing Clerk
Seferino Crollott.....	Sergeant-at-arms
Rev. Adrian Rabeyrolle.....	Chaplain
Ramon Armijo.....	Messenger
Alejandro Mares.....	Watchman

## ADDITIONAL EMPLOYEES—COUNCIL.

Harry P. Owen.....	Stenographer to Chief Clerk
M. T. Otero.....	Translator
Melesio Lucero.....	Assistant Enrolling and Engrossing Clerk
D. Montoya.....	Journal Clerk
Isidro Montoya.....	Assistant Journal Clerk
Pete Lynn.....	Assistant Sergeant-at-arms
Eugenio Moya.....	Doorkeeper
Franco Garcia.....	Doorkeeper
Frank P. Chaves.....	Reading Clerk
Chas. Hubbell.....	Assistant Reading Clerk
N. F. Chaves.....	Postmaster
Vicente Montoya.....	Assistant Postmaster
E. Blanche Rothgeb.....	Committee Clerk
Martin Kelley.....	Committee Clerk
Trancito Romero.....	Committee Clerk
Wm. Beal.....	Committee Clerk
J. G. Albright.....	Committee Clerk
Mary LaRue.....	Committee Clerk
Juan N. Sandoval.....	Committee Clerk
Lou Hughes.....	Stenographer
Marguerite Geimer.....	Stenographer

W. E. Baker.....	Stenographer
Antonio Alarid.....	Messenger to Governor
Juan D. Romero.....	Watchman
Antonio J. Luna.....	Page
Remigio Mondragon.....	Page
J. M. Mestas.....	Porter
Jose Pino y Gallegos.....	Porter
Isaias Roybal.....	Sweeper
Aniceto Moya.....	Sweeper
Bernardo Gonzales.....	Sweeper
Romualdo Rodriguez.....	Sweeper

## ADDITIONAL EMPLOYEES—HOUSE.

C. B. Llewellyn.....	Assistant Chief Clerk
A. A. Sedillo.....	Interpreter
H. L. Ortiz.....	Interpreter
Donaciano Chavez.....	Assistant Enrolling and Engrossing Clerk
J. C. Salazar.....	Assistant Enrolling and Engrossing Clerk
Marcos Castillo.....	Journal Clerk
T. J. Pollard.....	Assistant Journal Clerk
Fred T. Wylie.....	Assistant Sergeant-at-arms
Myer Hirsch.....	Reading Clerk
Jose Gonzales.....	Translator
Gabriel Armijo.....	Assistant Translator
Pearl Pendleton.....	Stenographer
Edgar P. Shield.....	Stenographer
Florence Hampel.....	Stenographer
Bertha Hase.....	Stenographer
Mrs. Blanch M. Steele.....	Stenographer
Abran Sandoval.....	Stenographer
Moises D. Vargas.....	Committee Clerk
Pedro O. Sanchez.....	Committee Clerk
James Wood.....	Committee Clerk
Zacarias Valdez.....	Committee Clerk
Horacio Otero.....	Committee Clerk
Aniceto Coca.....	Committee Clerk
Lucas E. Gallegos.....	Committee Clerk
Felipe Baca y Garcia.....	Committee Clerk
Antonio Garcia y Armijo.....	Doorkeeper
A. B. Baca.....	Doorkeeper
Antonio Ma. Graham.....	Doorkeeper
D. C. Hobart.....	Doorkeeper
Albino Baca.....	Messenger to Governor
Telesfor Sandoval.....	Messenger
Romualdo Montoya.....	Messenger
Fabian Romero.....	Messenger
Hilario Martinez.....	Messenger
Eduardo Jaramillo.....	Messenger
Anastacio Sandoval.....	Messenger
Nestor Montoya, Jr.....	Messenger
Gregorio Sanchez.....	Postmaster
Daniel Martinez.....	Porter
Pablo Chavez.....	Cloakroom Clerk
Jose Ignacio Garcia.....	Bill Clerk
Buena V. Martinez.....	Bill Clerk
Merejildo Sisneros.....	Night Watchman
P. Baca.....	Day Watchman
Milton A. Hall.....	Page
Juan Anto. Ulbarri.....	Page
Ramon Trujillo.....	Page
Clarence Kilpatrick.....	Page
Homer Stephens.....	Page
Andres Romero.....	Sweeper
Librado Pacheco.....	Sweeper

## County Officers, Territory of New Mexico.

ELECTED NOVEMBER 4, 1902.

Albuquerque, Bernalillo County.	Roswell, Chaves County.	Raton, Colfax County.	Las Cruces, Doña Ana County.
County Comr. 1st District Severo Sanchez** " " 2nd " T. C. Gutierrez** " " 3rd " A. Hersh Probate Judge M. Baca Sheriff J. A. Summers Assessor T. S. Hubbell Treasurer F. A. Hubbell Supt. of Schools E. Vigil Surveyor D. J. Rankin	T. D. White W. M. Atkinson A. M. Robertson J. T. Evans J. F. Gayle F. Higgins J. C. Peck M. Howell J. McL. Gardiner V. R. Kinney	E. N. Burch P. Y. Santistevan I. C. Taylor J. D. Fresquez J. P. Brackett Marion Littrell J. Hixenbaugh G. J. Pace W. A. Chapman P. M. Davenport	Charles E. Miller S. Geck Felix Torres* M. Valdez I. Armijo J. R. Lucero T. Rouault O. Lohman A. Fountain
Carlsbad, Eddy County.	Silver City, Grant County.	Santa Rosa, Leonard Wood Co.*	Lincoln, Lincoln County.
County Comr. 1st District J. H. James " " 2nd " C. Wilcox " " 3rd " N. W. Weaver Probate Judge A. Green Probate Clerk W. R. Owen Sheriff M. C. Stewart Assessor J. O. McKeeen Treasurer J. D. Walker Supt. of Schools M. P. Kerr Surveyor B. A. Nymeyer	W. D. Murray J. C. Cureton H. G. Shafer L. H. Rowlee W. B. Walton J. K. Blair E. J. Swartz J. W. Fleming A. N. White G. R. Brown	B. Padilla J. C. Thomas R. Harrison F. Garcia M. B. Baca L. Casaus J. B. Giddings L. Sanchez F. L. Braun	J. V. Tully S. C. Weiner P. L. Krause F. Gomez L. Ellis J. W. Owen Robert A. Hurt E. M. Hulbert E. J. Coe A. E. Williams
Deming, Luna County.	Gallup, McKinley County.	Mora, Mora County.	Alamogordo, Otero County.
County Comr. 1st District Wm. M. Taylor* " " 2nd " S. S. Birchfield " " 3rd " W. C. Wallis Probate Judge E. H. Matthews Probate Clerk B. Y. McKeyes Sheriff W. H. Foster Assessor J. B. Hodgdon Treasurer W. H. Guiney Supt. of Schools U. F. Duff Surveyor N. J. Lloyd	W. L. Bretherton W. H. Morris S. E. Aldrich D. Apodaca F. W. Meyers W. A. Smith S. Canavan J. C. Spears L. L. Henry Wm. McVicker	M. Maestas F. A. Vigil M. Lopez G. Rivera E. H. Bierbaum T. Melendez A. Medina R. Roybal R. Romero W. H. Garner	O. D. Warnock E. Prado J. C. Tucker R. Lopez W. K. Stalcup J. Hunter T. F. Fleming I. N. Jackson J. E. Edgington* J. E. Edgington*

\* Officers appointed by Governor.

\*\* Officers appointed by Legislature.

## County Officers, Territory of New Mexico—Continued.

ELECTED NOVEMBER 4, 1902.

Tierra Amarilla, Rio Arriba County.		Artec, San Juan County.	Las Vegas, San Miguel County.
County Commissioner 1st District	F. A. Serna	J. V. Lujan	J. F. Esquilbel
" " 2nd	A. C. de Baca	J. R. Williams	R. Gallegos
" " 3rd	V. Valdez	J. E. McCarty.	A. T. Rogers
Probate Judge	J. P. Lujan	M. Garcia	S. Baca
Probate Clerk	H. C. Hernandez	J. E. Prewitt	A. A. Sena
Sheriff	A. Read	J. E. Elmer	C. Romero
Assessor	E. P. Jaquez *	B. C. Vaughan	F. A. Chavez
Treasurer	R. Esquilbel	O. C. Black	E. Romero
Superintendent of Schools	S. Roybal	A. C. McEwen	J. M. Quintana
Surveyor	J. F. Rinker	Charles Holey	A. Fresquez
Santa Fe, Santa Fe County.		Hillsboro, Sierra County.	Socorro, Socorro County.
County Commissioner 1st District	Arthur Seligman	U. P. Arrey *	G. Jojola
" " 2nd	A. L. Kendall	T. Murphy	A. Contreras
" " 3rd	N. Quintana	V. Trujillo	C. Padilla
Probate Judge	M. Castillo	P. Torres	M. Miera
Probate Clerk	C. Lopez	J. M. Webster *	B. A. Pino
Sheriff	H. C. Kinsell	M. L. Kahler	L. Baca
Assessor	M. A. Ortiz	A. Kelley	B. Sanchez
Treasurer	G. W. Knaebel	J. C. Piemmons	H. G. Baca
Superintendent of Schools	J. V. Conway	F. Luna y Garcia	A. C. Torres
Surveyor	A. N. Griffin	A. Preisser	W. W. Jones
Taos, Taos County.		Clayton, Union County.	Los Lunas, Valencia County.
County Commissioner 1st District	A. Gusdorf	C. Otto	A. Padilla
" " 2nd	M. A. Chacon	J. B. Montoya	R. Jaramillo
" " 3rd	H. Romero	E. Gallegos	R. Garcia
Probate Judge	L. Dominguez	E. Lobato	H. Chavez
Probate Clerk	T. M. y Gonzales	R. P. Martinez	D. Vallejos
Sheriff	F. Trujillo	P. Baca y Sanchez	Carlos Baca
Assessor	A. Santistevan	L. Vigil	B. W. Bibb
Treasurer	T. Sanchez	J. M. Gonzales	S. Luna
Superintendent of Schools	A. B. Trujillo	L. Castillo	J. C. Sanchez
Surveyor	F. Santistevan	F. Garcia	R. G. Marmon

\* Officers Appointed by Governor.

\*\* Officers Appointed by Legislature and County Commissioners.

## County Officers, Territory of New Mexico—Continued.

ELECTED NOVEMBER 4, 1902.

Portales, Roosevelt County. *		Tucumcari, Quay County. *		Sandoval, Sandoval County. **	
County Commissioner	1st District W. O. Oldham	Isaac Barnes		E. A. Miera	
"	2nd " R. Hicks	J. P. Martinez		E. Baca	
"	3rd " B. Blankinship	A. D. Goldenberg		I. Gutierrez	
Probate Judge	C. L. Carter	T. W. Heman		Nicholas de la O.	
Sheriff	W. E. Lindsey	N. V. Gallegos		O. P. Hovey	
Assessor	W. W. Odom	J. A. Street		F. J. Otero	
Treasurer	C. O. Leach	D. Stewart		M. Baca	
Superintendent of Schools	W. K. Breeding	H. R. Neal		V. S. Miera	
Surveyor	R. C. McAdie	M. Rudolph		J. B. Archuleta	
	J. A. Fairly	J. Campbell			

\* Officers Appointed by Governor.

\*\* Officers Appointed by Legislature and County Commissioners.





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# LAWS OF NEW MEXICO.

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Thirty-Fifth Legislative Assembly, 1903.

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## CHAPTER 1.

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AN ACT RELATIVE TO THE DUTIES OF THE CATTLE SANITARY BOARD. *H. S. for H. B. No. 75; Approved February 12, 1903.*

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Sec. 1. Section 197, Compiled Laws of 1897, Regarding diseases of cattle and powers of Cattle Sanitary Board, Amended.

Sec. 2. Section 200, Compiled Laws of 1897, Regarding bond issue and tax levy by Cattle Sanitary Board, Amended.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 197 of the Compiled Laws of the Territory of New Mexico for the year 1897, be, and the same is hereby amended by striking therefrom the words "other than" contained in the second line of said section, and by inserting the word "including" in place thereof; and by striking therefrom the word "except" at the end of the twelfth line of said section and by inserting the word "including" in place thereof.

Sec. 2. That section 200 of the Compiled Laws of the Territory of New Mexico for the year 1897, be, and the same is hereby amended by striking therefrom the word "not" at the end of first line of said section, and by inserting the word "including" in place thereof; and by inserting the words "or shall be likely to exist or shall be threatened" after the word "exist" in the third line of said section.

Sec. 3. This act shall be in force from and after its passage.

## CHAPTER 2.

AN ACT TO ESTABLISH AND MAINTAIN AN ASYLUM FOR THE DEAF AND DUMB, A REFORM SCHOOL, AN INSTITUTION FOR THE BLIND, AND A MINERS' HOSPITAL FOR DISABLED MINERS. *A. C. B. No. 38; Approved February 13, 1903.*

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*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That there is hereby created and established an asylum for the deaf and dumb, to be known as the "New Mexico Asylum for the Deaf and Dumb," which is hereby established and permanently located at the city of Santa Fe, in the county of Santa Fe and Territory of New Mexico.

Sec. 2. That there is also hereby located and established a territorial institution, to be known and called the "New Mexico Reform School," which is hereby located somewhere within the counties of Taos, Rio Arriba or San Juan, upon a tract of land of not less than twenty acres, suitable for the purposes of such institution, to be donated and conveyed free of cost to the Territory of New Mexico, the title to which shall be examined and passed upon by the solicitor general, and proper conveyances thereof made within six months from the passage of this act, such tract of land to be selected by three commissioners appointed by the governor for that purpose as hereinafter provided.

Sec. 3. That there is also hereby created and established an institution of learning to be known as the "New Mexico Institute for the Blind," which is hereby located and established in the county of Otero in the Territory of New Mexico, at the town of Alamogordo, in said county, upon a tract



of land suitable for the purposes of such institution, consisting of not less than twenty acres, to be donated and conveyed free of cost to the Territory of New Mexico, the title to which shall be examined and passed upon by the solicitor general, and proper conveyances thereof made within six months from the passage of this act, such tract of land to be selected by three commissioners to be appointed by the governor for that purpose as hereinafter provided.

Sec. 4. That there is also hereby created and established an institution to be known and called the "Miners' Hospital of New Mexico," which institution is hereby located at the City of Raton in Colfax county, New Mexico, upon a tract of land consisting of not less than ten acres within one mile of the depot of the railroad station of the Atchison, Topëka and Santa Fe Railroad Company at said town of Raton, to be donated and conveyed free of cost to the Territory of New Mexico, the title to which shall be examined and passed upon by the solicitor general, and proper conveyances thereof made within six months from the passage of this act, said tract of land to be selected by three commissioners to be appointed by the governor for that purpose as hereinafter provided.

Sec. 5. That act of congress, approved June 21st, 1898, entitled an act "to make certain grants of land to the Territory of New Mexico, and for other purposes," is hereby accepted with all its terms and conditions, by the Territory of New Mexico, in so far as the same apply to the above named institutions; and no improvements or buildings shall be made or created upon any of such lands as are hereinbefore provided for until proper deeds therefor, duly approved by the solicitor general, have been executed and recorded in the proper county and filed in the office of the secretary of the territory.

Sec. 6. The management and control of each of said institutions above established, the care and preservation of all property of which they shall become possessed, the erection and construction of all buildings necessary for their use, and the disbursement and expenditure of all moneys appropriated by the Territory of New Mexico, or which shall otherwise come into their possession, shall be vested in a board of five trustees, one of such boards for each of said institutions; and each of said trustees shall be qualified voters and owners of real estate in the Territory of New Mexico. Said trustees shall possess the same qualifications, shall be appointed in the same manner, and their terms of office shall be the same and the vacancies therein shall be filled in the same manner as is now provided by law with reference to the regents of the Territorial University at Albuquerque, New

Mexico. Said trustees and their successors in office shall constitute a body corporate, under the name and style of "The Trustees of the New Mexico Asylum for the Deaf and Dumb," "The Trustees of the New Mexico Reform School," "The Trustees of the New Mexico Institute for the Blind" and "The Trustees of the Miners' Hospital of New Mexico," respectively, with the right as such of suing and being sued, of contracting and being contracted with, of making and using a common seal and altering the same at pleasure, and of causing all things to be done necessary to carry out the provisions of this act. A majority of such board of trustees of any of the above institutions shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time. Said trustees shall be respectively appointed by the governor of the Territory of New Mexico, within thirty days after he shall be notified by the secretary of the territory that the deeds for each of the above named institutions have been filed in his office; and it shall be the duty of each of said boards of trustees to meet and organize by electing its officers at the county seat of the county wherein the said institutions are located, within thirty days after their appointment, which officers shall be elected in the same manner and possess the same qualifications as the officers of the University of New Mexico now possess; and the secretary and treasurer respectively of each of such institutions located as aforesaid, shall each give bond in the sum of ten thousand dollars, (\$10,000) to the Territory of New Mexico, with two or more sufficient sureties resident of this territory, or by duly authorized surety company, conditioned for the faithful performance of their duties, and that they will faithfully account for and pay over to the person or persons entitled thereto, at the time and in the manner provided by law, or pursuant to contract, all moneys which shall come into their hands as such officers, which bond shall be approved by the judge of the district court within whose district the said institution is located, and after approval shall be filed and recorded in the office of the territorial secretary. The governor of the territory shall be ex-officio a member of each of the boards of trustees, but shall not have the right to vote or be eligible to office.

Sec. 7. The boards of trustees of each of said institutions shall have power, and it shall be their duty, to pass and enforce by-laws, rules and regulations for the government of such institutions, for the proper carrying out of their several objects, not in conflict with the laws of the Territory of New Mexico, or any act of congress, and to provide all proper and necessary books, apparatus, instruments, medicines, clothing, food and supplies, and other materials or things nec-

essary for the proper conduct of the several institutions hereinbefore named and the care, support and protection of the inmates thereof when necessary; also to employ all teachers, physicians, wardens or superintendents and employes, and to prescribe the duties and compensation of each, and they shall have full power to remove or discharge any officer or employe appointed or selected by them in any of such institutions, when in their judgment the interest of such institution shall require.

Sec. 8. The institute for the blind herein established and created is intended and meant for the proper instruction of the blind youth of the territory, and all such persons resident in the territory between the ages of five and twenty-one years shall be entitled, upon application to the board of trustees, to free care and support and instruction at such institution; except in cases where such pupil or the parents or guardian thereof is possessed of property or means sufficient to enable him to pay the reasonable costs and charges incurred by his attendance at such institution, in which case he shall pay therefor.

Sec. 9. The miners' hospital hereby established and created is intended and meant to be for the free treatment and care of resident miners of the Territory of New Mexico, who may become sick or injured in the line of their occupation; and all lodging and medical care shall be free of charge, as shall all other expenses incurred by the patient, except in cases where such patient is possessed of property and means sufficient to enable him to pay the actual costs and charges incurred by his attendance at such hospital, in which case the board of trustees may make provision for his being charged and paying such expenses incurred.

Sec. 10. The reform school hereby created and established is intended and meant for the confinement, instruction and reformation of juvenile offenders against the laws of the Territory of New Mexico, and of any persons of idle, vicious or vagrant habits of both sexes in the Territory of New Mexico, under the age of eighteen years, who may be convicted of any offense less than a felony punishable by imprisonment in the penitentiary for the term of life, and it shall be the duty of the court upon such conviction, when it is shown to the court that the person convicted is under the age of eighteen years, to order the sentence to be executed by confinement in such reform school instead of in the penitentiary, after such school shall be fully equipped and prepared to receive, confine and care for such offenders, which time shall be designated by proclamation of the governor of the Territory of New Mexico; and thirty days after such proclamation

is issued and published it shall be the duty of all courts in the Territory of New Mexico to incarcerate offenders as aforesaid in the reform school instead of the penitentiary in passing sentence upon such offenders; and upon complaint under oath being made to any judge of the district court that any person of either sex under the age of eighteen years is of idle, vicious and vagrant habits, it shall be the duty of such court to investigate and pass upon the complaint so made as in cases of misdemeanors during the terms of the district court as other criminal cases are tried before it, and all the laws and provisions in regard to such trials for misdemeanors are hereby made applicable to such complaints, and in case said court shall find the complaint to be sustained by the evidence it shall find the defendant guilty and sentence him to such reform school for any period not exceeding one year; such proceedings before said court to take effect at the same time after proclamation by the governor as hereinbefore provided for other sentences in the district court.

Sec. 11. All persons sentenced to such reform school shall be compelled to perform such useful labor and submit to such rules and regulations in and about the said school and grounds as the board of trustees may prescribe, and the superintendent or warden shall have the power, and it shall be his duty, to see that all rules and regulations of the said board are properly enforced, and infringements thereof shall be properly punished.

Sec. 12. Within sixty days after the passage of this act the governor shall appoint a committee for each of the institutions above named, each of said committees to consist of three competent and disinterested persons, not more than two of whom shall live in any county wherein any of the above institutions are located by this act; and it shall be the duty of these commissioners to proceed to the localities named in this act for the establishment of the several institutions and their examination of the several sites which may be presented for the acceptance of the territory for the purposes named and their designation, adoption and selection or rejection of such lands be final, and unless the title for the land so selected shall be conveyed in the manner hereinbefore provided within six months after the adoption of this act, then no portion of the moneys received from donations under the act of congress or by this act shall be available for the purposes of the institution so failing. The commissioners hereby named shall make a report in writing of their doings together with a description of the land selected, to the governor of the territory, together with a statement of costs and expenses incurred by them in making such selections for each institution

separately, and in addition to their actual costs and disbursements each commissioner shall be allowed the sum of six dollars per day for each day actually and necessarily occupied, in carrying out the provisions of this section, not to exceed ten days for any institution; which amount, including costs and disbursements, is hereby declared to be a necessary and proper charge against the funds provided herein for the creation and maintenance of each of said institutions, and shall be paid out of any such funds that may come into the hands of the territorial treasurer for that fund, upon a bill therefor sworn to by each of such commissioners and approved by the governor of the territory.

Sec. 13. That the boards of trustees first appointed for the several institutions provided for in this act shall be empowered to contract for the erection, and shall erect all buildings necessary for the maintenance of the above named institutions, and shall be empowered to provide for the furnishing of the same and the improving of the grounds thereof: *Provided*, that the said boards of trustees in contracting for the erection or in erecting any of said buildings for the above named institutions shall advertise for bids for the erection of the same specifying in said advertisements the character of building to be erected in the place where the plans and specifications of said buildings may be found and let all bids for the erection of said buildings to the lowest and best bidder therefor; *and provided further*, that in furnishing said buildings or improving the grounds thereof said boards shall call for bids and let the same to the lowest and best bidders therefor upon any items the cost of which is more than one hundred dollars.

Sec. 14. This act shall be in force from and after its passage.

### CHAPTER 3.

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE INSPECTION AND TESTING OF COAL OIL IN THE TERRITORY OF NEW MEXICO." C. B. No. 20; Approved February 13, 1903.

#### CONTENTS.

Sec. 1. Chapter 64, Laws of 1901, regarding inspection and testing of coal oil. Repealed.

Sec. 2. All Acts, regarding inspection and testing of coal oil, Repealed.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That chapter 64 of the acts of the 34th Legisla-

tive Assembly of the Territory of New Mexico, being "An Act to provide for the inspection of coal oil in the Territory of New Mexico," approved March 20th, 1901, be and the same is hereby repealed in all its parts and provisions, except as to its repealing clause.

Sec. 2. That all acts and parts of acts other than said act, if any, providing for coal oil, gasoline or crude oil inspection in the Territory of New Mexico, or for the appointment of an oil or gasoline inspector, be and the same are hereby repealed.

Sec. 3. This act shall take effect and be in full force from and after thirty days from its passage.

#### CHAPTER 4.

AN ACT TO AUTHORIZE THE TREASURER OF GRANT COUNTY TO PAY OVER TO THE TREASURER OF THE COUNTY OF LUNA CERTAIN SCHOOL MONEYS. *H. B. No. 30; Approved February 18, 1903.*

##### CONTENTS.

Sec. 1. Payment of certain school moneys authorized.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. The treasurer of the County of Grant is hereby authorized and directed to pay over to the treasurer of the County of Luna such sums of money as were standing to the credit of the several school districts of that portion of Grant county now embraced within the boundaries of Luna county, at the date of the creation of said Luna county.

Sec. 2. This act shall be in full force and effect from and after its passage.

#### CHAPTER 5.

AN ACT RELATING TO EMINENT DOMAIN, SUITS TO PARTITION REAL ESTATE, ACTIONS TO QUIET TITLE, SALE OF REAL ESTATE OF INFANTS AND MARRIED WOMEN AND PERPETUATING TESTIMONY. *C. S. for C. B. No. 30; Approved February 18, 1903.*

##### CONTENTS.

Sec. 1. Sub-section 175 of Section 2685, Compiled Laws of 1897, Regarding Code of Civil Procedure, Amended.

Sec. 2. Section 2052, Compiled Laws of 1897, Regarding Sale of Infants' Property, Amended.

Sec. 3. Section 2053, Compiled Laws of 1897, Regarding Appointment of Guardian and Decree of Court to Sell Property, Amended.

Sec. 4. Section 10, Chapter 62, Laws of 1901, Regarding Conveyances of Married Persons, Amended.

Sec. 5. Section 3052, Compiled Laws of 1897, Regarding Notice for Taking Depositions to Perpetuate Testimony, Amended.

Sec. 6. Sections 3053, 3054 and 3055, Compiled Laws of 1897, Repealed.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That sub-section 175 of section 2685 of the Compiled Laws of New Mexico of 1897 be amended so as to read as follows:

“Sub-Sec. 175. This act shall not apply to or in anywise affect actions in *habeas corpus*, *mandamus*, prohibition, *quo warranto*, replevin, attachment, ejectment, eminent domain, suits for partitioning real estate, actions to determine and quiet the title of real property, proceedings for the sale of real estate of infants, except as to the form of the action and all process in the above mentioned actions, suits and proceedings shall be issued, served and made returnable in the manner and time in accordance with the provisions of section 2685 of the Compiled Laws of New Mexico of 1897 unless such process is otherwise directed to be issued, served and made returnable by the laws relating to said above mentioned actions, suits and proceedings.”

Sec. 2. That section 2052 of the Compiled Laws of 1897 be and the same hereby is amended so as to read as follows:

“Section 2052. An infant by his general guardian, if he has any, and by his next friend, if he has no general guardian, may present a petition to the district court or the probate court of the county where the real estate to be affected, or any part thereof, is situate, stating the age and residence of the infant, the situation and value of his real and personal estate, the situation, value and income of the real estate proposed to be sold or conveyed and the particular reason which renders a sale or conveyance or sale of the premises necessary or proper and praying that a guardian may be appointed to sell and convey the same or to convey the same alone in case a sale should not be necessary.”

Sec. 3. That section 2053 of the Compiled Laws of 1897 be and the same hereby is amended so as to read as follows:

“Section 2053. If, after investigation by the court, it should appear there is proper ground for the application and that the allegations of the petition are true, an order may be entered appointing a guardian for the purpose of the application on executing and filing in the court requisite security approved of as to its form, validity and sufficiency by the

judge of the court, signified by his endorsements thereon. And thereupon the court shall decree the property or so much thereof as the court may deem proper to be sold and conveyed by said guardian at private or public sale and in case a sale could not be required the court may decree a conveyance thereof if proper to the party entitled to such conveyance as may be determined on by the said investigation and all such sales and conveyances, when made, shall be reported to the court by the guardian making the same and if found regular shall be approved by the court and thereafter the title of such infant, in such property, shall be vested in the party to whom it may be so conveyed, *provided* that where a conveyance only is required to be made on account of some past consideration which has already been paid or received, or to carry out some agreement which has been made or executed, by which the interest of such infant has been affected, and which in good faith should be carried into effect, no bond shall be required of such guardian."

Sec. 4. That section 10 of chapter 62 of the session acts of the Legislative Assembly of 1901 be and the same is hereby amended by striking out all of said section after the word "validated" in the eighth line of said section.

Sec. 5. That section 3052 of the Compiled Laws of 1897 be and the same is hereby amended so as to read as follows:

"Section 3052. The party applying for the commission shall give notice by publication to all concerned in a newspaper published nearest to the place where the depositions are to be taken for four consecutive weeks of the time and place of taking the depositions and proof of such publication shall be made by affidavit of the publisher thereof, and where real estate or any interest in any real estate is to be affected thereby, a description of such real estate sufficient to identify the same, a brief statement of the cause of action in which said deposition is to be used, a copy of the first issue of the newspaper containing said publication of said notice, shall be mailed within one week after the issue thereof by the party applying for the commission, his agent or attorney, to the postoffice address, if known, postage paid, of each person who is known to him to claim an interest in the real estate or subject matter of the suit, which claim would be affected by such deposition. The person or persons giving or mailing the notices above provided shall make proof thereof by affidavit and when it shall be made to appear by such affidavit that notice has been given as above provided, the same shall be sufficient evidence that due and timely notice has been given to all persons interested in the real estate or cause of action to be affected by such deposition."



Sec. 6. Sections 3053, 3054 and 3055 of the Compiled Laws of 1897 are hereby repealed.

Sec. 7. This act shall be in force and effect from and after its passage.

## CHAPTER 6.

AN ACT ENTITLED AN ACT ESTABLISHING AN ORPHAN CHILDREN'S HOME AT BELEN, NEW MEXICO, PROVIDING APPROPRIATION THEREFOR, AND FOR OTHER PURPOSES. *C. R. No. 73; Approved February 24, 1903.*

### CONTENTS.

Sec. 1. Orphan children's home. Location. Board of regents. Duties.

Sec. 2. Buildings May be Used for School Purposes.

Sec. 3. Appropriation. Tax levy by auditor.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. There is hereby established and located an Orphan Children's Home at Belen, New Mexico, which shall be conducted under the management and control of a board of regents to be composed of three persons who shall be appointed by the governor for a term of two years each, and shall file their oaths of office before entering upon their duties as such regents, in the manner prescribed by law for the qualification of other territorial officers.

Sec. 2. Until such time as the legislature may otherwise direct, any buildings which may hereafter be constructed at Belen for such orphan children's home may be used as a public school building provided that no appropriation for maintenance or current expense shall now or hereafter be made or in any way defrayed by the territory during the use of such building for public school purposes.

Sec. 3. For the purpose of erecting a suitable building for the purposes mentioned in section 1 of this act, there is hereby appropriated for the 55th fiscal year, twenty-five one-hundredths (25-100) of one (1) mill the proceeds of which shall be used for permanent improvements under the direction and management of said board of regents, and the territorial auditor is hereby directed to make a levy in accordance herewith, and the funds derived from such a levy shall be payable in the manner now prescribed by law for the payment of funds to other institutions.

Sec. 4. This act shall be in full force and effect from and after its passage.

## CHAPTER 7.

AN ACT TO CREATE ROOSEVELT COUNTY. A. C. B. No. 4; *Approved February 28, 1903.*

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- Sec. 1. Roosevelt county Creation. Boundaries.
- Sec. 2. County seat. Location. Public buildings.
- Sec. 3. County commissioners. To divide county into precincts. To appoint precinct and school district officers.
- Sec. 4. County officers. Appointment by governor. Term of office.
- Sec. 5. Commission to ascertain amount of indebtedness due to Chaves and Guadalupe counties. Of whom composed.
- Sec. 6. Bond issue. Purpose. Rate of interest. Maturity. Form.
- Sec. 7. Sale of bonds. Purpose. Provision for payment of interest. Sinking fund created.
- Sec. 8. Issue of bonds for court house and jail purposes, and current expenses.
- Sec. 9. Unpaid taxes and licenses. Proportion to be credited on debt. School funds.
- Sec. 10. Delinquent taxes and unpaid licenses. List to be delivered to county commissioners.
- Sec. 11. Judicial district. Time for holding court. District attorney Salary.
- Sec. 12. Legislative district.
- Sec. 13. County and precinct officers. Jurisdiction until when.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That there be and hereby is created a county, to be known as and called Roosevelt county, out of that portion of the Territory of New Mexico included in the following boundaries as indicated by the United States survey, to wit: Commencing at the southwest corner of township two south, range twenty-seven east of the New Mexico principal Base and Meridian; thence north along the range line between twenty-six and twenty-seven east; to the northwest corner of township four north of range twenty-seven east; thence east along the north line of township four north (projected) to its point of intersection with the Texas-New Mexico boundary line; thence south along the Texas New Mexico boundary line to the point of its intersection with the First Standard Parallel South (projected eastward); thence west along the First Standard Parallel South to the southwest corner of township five south, range thirty-one east; thence north along the range line between ranges thirty and thirty-one east to the southwest corner of township four south, range thirty-one east; thence west along the south line of township four south, range thirty east, to the southwest corner of township four south, range thirty east; thence north along the range line between ranges twenty-nine and thirty east, to the southwest corner of township two south, range thirty east;

thence west along the south boundary line of township two south to the point of beginning.

Sec. 2. That the county seat of the said County of Roosevelt shall be established at the town of Portales in said county; and that the board of county commissioners of said county (to be appointed or elected as hereinafter provided) shall select and designate the most proper and convenient place in said town for the erection of the public buildings of said County of Roosevelt.

Sec. 3. The county commissioners appointed under this act, are authorized and empowered to divide said county of Roosevelt into precincts and to appoint in each precinct and school district the officers provided by law, until after the first election.

Sec. 4. It shall be the duty of the governor of the Territory of New Mexico, on or before the first day of April, A. D. 1903, to appoint for the said County of Roosevelt the county officers now provided by law for the counties in the territory, and the officers so appointed shall immediately thereafter qualify and enter upon the discharge of their duties as such officers. And the officers so appointed shall serve until the election and qualification of their successors, who shall be elected at the next general election for such officers, and the governor shall likewise appoint officers to fill any vacancies caused by the failure of any such appointees to qualify as required by law.

Sec. 5. It shall be the duty of the auditor, treasurer and solicitor general of the territory to assemble as a commission for that purpose and ascertain, on or before the first day of June, A. D. 1903, the total separate indebtedness of both Chaves county and Guadalupe county, from which Roosevelt county is segregated, less cash on hand to meet such indebtedness, and the value of all permanent public improvements excepting bridges remaining in said counties of Chaves and Guadalupe; and also to ascertain from the assessment rolls for the year 1902 the value of all taxable property embraced within the limits of Roosevelt county so taken from Chaves and Guadalupe counties; and thereupon to determine the amount of such indebtedness that may be due from Roosevelt county to Chaves and Guadalupe counties respectively, less the amount of cash on hand in each of said counties to meet such indebtedness, as such conditions existed on the first day of January, 1903; and the amounts so found to be due from Roosevelt county to Chaves and Guadalupe counties respectively, by said commission shall be final and conclusive on each of said counties.

Sec. 6. For the purpose of enabling Roosevelt county to

## CHAPTER 7.

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- Sec. 11. Judicial district. Time for holding court. District attorney Salary.
- Sec. 12. Legislative district.
- Sec. 13. County and precinct officers. Jurisdiction until when.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That there be and hereby is created a county, to be known as and called Roosevelt county, out of that portion of the Territory of New Mexico included in the following boundaries as indicated by the United States survey, to wit: Commencing at the southwest corner of township two south, range twenty-seven east of the New Mexico principal Base and Meridian; thence north along the range line between twenty-six and twenty-seven east; to the northwest corner of township four north of range twenty-seven east; thence east along the north line of township four north (projected) to its point of intersection with the Texas-New Mexico boundary line; thence south along the Texas New Mexico boundary line to the point of its intersection with the First Standard Parallel South (projected eastward); thence west along the First Standard Parallel South to the southwest corner of township five south, range thirty-one east; thence north along the range line between ranges thirty and thirty-one east to the southwest corner of township four south, range thirty-one east; thence west along the south line of township four south, range thirty east, to the southwest corner of township four south, range thirty east; thence north along the range line between ranges twenty-nine and thirty east, to the southwest corner of township two south, range thirty east;

thence west along the south boundary line of township two south to the point of beginning.

Sec. 2. That the county seat of the said County of Roosevelt shall be established at the town of Portales in said county; and that the board of county commissioners of said county (to be appointed or elected as hereinafter provided) shall select and designate the most proper and convenient place in said town for the erection of the public buildings of said County of Roosevelt.

Sec. 3. The county commissioners appointed under this act, are authorized and empowered to divide said county of Roosevelt into precincts and to appoint in each precinct and school district the officers provided by law, until after the first election.

Sec. 4. It shall be the duty of the governor of the Territory of New Mexico, on or before the first day of April, A. D. 1903, to appoint for the said County of Roosevelt the county officers now provided by law for the counties in the territory, and the officers so appointed shall immediately thereafter qualify and enter upon the discharge of their duties as such officers. And the officers so appointed shall serve until the election and qualification of their successors, who shall be elected at the next general election for such officers, and the governor shall likewise appoint officers to fill any vacancies caused by the failure of any such appointees to qualify as required by law.

Sec. 5. It shall be the duty of the auditor, treasurer and solicitor general of the territory to assemble as a commission for that purpose and ascertain, on or before the first day of June, A. D. 1903, the total separate indebtedness of both Chaves county and Guadalupe county, from which Roosevelt county is segregated, less cash on hand to meet such indebtedness, and the value of all permanent public improvements excepting bridges remaining in said counties of Chaves and Guadalupe; and also to ascertain from the assessment rolls for the year 1902 the value of all taxable property embraced within the limits of Roosevelt county so taken from Chaves and Guadalupe counties; and thereupon to determine the amount of such indebtedness that may be due from Roosevelt county to Chaves and Guadalupe counties respectively, less the amount of cash on hand in each of said counties to meet such indebtedness, as such conditions existed on the first day of January, 1903; and the amounts so found to be due from Roosevelt county to Chaves and Guadalupe counties respectively, by said commission shall be final and conclusive on each of said counties.

Sec. 6. For the purpose of enabling Roosevelt county to

pay to Chaves and Guadalupe counties the amounts of its obligations and debts to them respectively, as found and ascertained by the commission provided for in section 5 of this act, the board of county commissioners of Roosevelt county is hereby authorized and directed to issue its coupon bonds of that county, which bonds shall bear interest at a rate not to exceed six per cent. per annum, payable semi-annually; such said bonds shall be payable absolutely twenty years from their date and at the option of said county ten years from their date; they shall be in amounts of one hundred dollars (\$100.) each or in multiples thereof; they shall be signed by the chairman of the board of county commissioners, countersigned by the clerk of said board, attested by its seal and endorsed by the treasurer of the county, with the engraved signature of the clerk of the probate court of said county on the coupons thereto attached, and shall be in form to be approved by the district attorney for the County of Chaves, Territory of New Mexico.

Sec. 7. Such bonds may be sold for cash, at not less than par, and out of the proceeds of such sale the indebtedness of Roosevelt county to said Counties of Chaves and Guadalupe as found by said commission, shall be paid and satisfied in full; and if such sale cannot be made by the first day of January, A. D. 1904, then and in that case, said bonds and coupons attached shall be turned over to Chaves and Guadalupe counties in full settlement of the indebtedness of Roosevelt county to Chaves and Guadalupe counties respectively, and it shall be the duty of the board of county commissioners of Roosevelt county to annually levy a tax sufficient to pay the interest coupons coming due semi-annually upon said bonds, and in addition a sufficient amount to create a sinking fund to pay said bonds when they become due; which sinking fund tax shall be levied annually from and after five years after the passage of this act; said bonds shall be the first issued by Roosevelt county, and the levy for the payment of interest shall be the first made, and such bonds shall be known and designated as "Roosevelt County Establishment Bonds." Such bonds shall be dated the first day of July, A. D. 1903, and the coupons shall become due and be payable semi-annually thereafter. The debt ascertained to be due from Roosevelt county to Chaves and Guadalupe counties respectively, on the first day of January, 1903, shall bear interest at the rate of six per cent. per annum from that date until the payment of the same in cash or in the taking of the bonds and coupons above provided for; and this amount of interest shall be added to the debts evidenced by the issuance of said bonds, and be included therein.

Sec. 8. The County of Roosevelt may issue bonds for court house purposes to an amount not exceeding twenty-five thousand dollars (\$25,000.), and for jail purposes to an amount not exceeding five thousand dollars (\$5,000.00), and for current expenses, until taxes are levied and collected, to an amount not exceeding five thousand dollars (\$5,000).

Sec. 9. Roosevelt county shall be entitled to have and receive all unpaid taxes for the year A. D. 1902, and prior thereto, which taxes have been levied or assessed upon or against property within the former limits of Chaves and Guadalupe counties and which by this act are set off from said counties of Chaves and Guadalupe and has become Roosevelt county; and the treasurer and collector of Roosevelt county shall collect and receipt for the same to the same extent as the respective treasurers and collectors of Chaves and Guadalupe counties might have done had said property remained within the limits of the Counties of Chaves and Guadalupe, and Roosevelt county shall be entitled to and shall receive from Chaves and Guadalupe counties respectively such proportion of the moneys received from licenses issued by said Chaves and Guadalupe counties in force in Roosevelt county during any part of the year A. D. 1903, as such unexpired term of each such license shall bear to the whole term for which such license was issued; and all taxes collected from Roosevelt county and paid into the respective treasuries of Chaves and Guadalupe counties after January first, 1903, shall be credited upon the proportion of the respective debts of Chaves and Guadalupe counties assumed and to be paid by Roosevelt county. All school funds in the respective treasuries of Chaves and Guadalupe counties on April first, 1903, due to the school districts of Roosevelt county, whether apportioned or unapportioned, shall be on said date or immediately thereafter paid over by such treasurers to Roosevelt county.

Sec. 10. On or before the first day of May, A. D. 1903, the treasurers and ex-officio collectors of the Counties of Chaves and Guadalupe shall deliver to the county commissioners of Roosevelt county a list of all the delinquent taxes and unpaid licenses and also a list of all taxes which will become due on July first, A. D. 1903, upon property within the limits of and upon personal property belonging to persons resident within the limits of Roosevelt county, and the treasurer and ex-officio collector of Roosevelt county shall proceed and collect said taxes and licenses as required by law and they shall become and be the funds of Roosevelt county.

Sec. 11. Said Roosevelt county is hereby attached to the fifth judicial district of the Territory of New Mexico for judicial purposes, and district court for the trial of causes

arising under the laws of the Territory of New Mexico shall be held at the county seat of said county by the judge of said court, beginning on the third Monday of March and the third Monday of October in each year, there being a sufficient amount of the court fund in said county therefor, and special terms of said court may be held when convened in accordance with law. The district attorney for the district of which Chaves county is a part shall be the district attorney for Roosevelt county until otherwise provided by law, and shall be entitled to a salary from said Roosevelt county of two hundred and fifty dollars (\$250) per annum, payable quarterly.

Sec. 12. The County of Roosevelt for legislative purposes shall be attached to the ninth council and the fifteenth house district until otherwise provided by law.

Sec. 13. Until the appointment and qualification of the county and precinct officers of Roosevelt county the county and precinct officers of the Counties of Chaves and Guadalupe shall continue to exercise authority as before this act, and shall have jurisdiction as heretofore.

Sec. 14. This act shall be in force from and after its passage.

## CHAPTER 8.

AN ACT TO CREATE QUAY COUNTY. *A. S. for H. B. No. 49; Approved February 28, 1903.*

### CONTENTS.

- Sec. 1. Quay county. Creation. Boundaries.
- Sec. 2. County seat. Location. Public Building.
- Sec. 3. County commissioners. To divide county into precincts. To appoint precinct and school district officers.
- Sec. 4. County officers. Appointment by governor. Term of office.
- Sec. 5. Commissioners. To ascertain amount of indebtedness due to Guadalupe and Union counties. Of whom composed.
- Sec. 6. Bond issue. Purpose. Rate of interest. Maturity. Form.
- Sec. 7. Sale of bonds. Purpose. Provision for payment of interest. Sinking fund created.
- Sec. 8. Issue of bonds for court house and jail purposes, and for current expenses.
- Sec. 9. Unpaid taxes and licenses. Proportion to be credited on debt. School fund.
- Sec. 10. Delinquent taxes and unpaid licenses. List to be delivered to county commissioners.
- Sec. 11. Judicial district. Time for holding court. District attorney. Salary.
- Sec. 12. Legislative district.
- Sec. 13. County and precinct officers. Jurisdiction until when.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That there be and hereby is created a county,



to be known and called Quay county, out of that portion of the Territory of New Mexico included in the following boundaries as indicated by the United States Survey, to-wit: Commencing at the southwest corner of township five north, range twenty-seven east of the New Mexico Principal Meridian; thence north along the range line between townships twenty-six and twenty-seven east to a point of intersection with the southwest corner of the Pablo Montoya grant; thence along the south boundary of said grant to its intersection with the township line between townships eleven and twelve north; thence along said township line between townships eleven and twelve north to its intersection with the southeast corner of San Miguel county; thence north along said east boundary of San Miguel county to its intersection with the Third Standard Parallel north; thence east along said Third Standard Parallel north to its intersection with the Texas-New Mexico boundary line; thence south along the Texas-New Mexico boundary line to the point of its intersection with the First Standard Parallel north (projecting eastward); thence west along the First Standard Parallel north to southwest corner of township five north, range twenty-seven east, to the point of beginning.

Sec. 2. That the county seat of said County of Quay shall be established at the town of Tucumcari in said county; and that the board of county commissioners of said county (to be appointed or elected as hereinafter provided) shall select and designate the most proper and convenient place in said town for the erection of the public buildings of said County of Quay.

Sec. 3. The county commissioners appointed under this act, are authorized and empowered to divide said County of Quay into precincts and to appoint in each precinct and school district the officers provided by law, until after the first election.

Sec. 4. It shall be the duty of the governor of the Territory of New Mexico, on or before the first day of April, A. D. 1903, to appoint for the said County of Quay the county officers now provided by law for the counties of the territory, and the officers so appointed shall immediately thereafter qualify and enter upon the discharge of their duties as such officers, and the officers so appointed shall serve until the election and qualification of their successors, who shall be elected at the next general election for such officers and the governor shall likewise appoint officers to fill any vacancies caused by the failure of any such appointees to qualify as required by law.

Sec. 5. It shall be the duty of the auditor, treasurer and

solicitor general of the territory to assemble as a commission for that purpose and ascertain, on or before the first day of June, A. D. 1903, the total separate indebtedness of both Guadalupe and Union counties, from which Quay county is segregated, less cash on hand to meet such indebtedness, and the value of all permanent public improvements, excepting bridges remaining in said Counties of Guadalupe and Union; and also to ascertain from the assessment rolls for the year 1902 the value of all taxable property embraced within the limits of Quay county so taken from Guadalupe and Union counties; and thereupon to determine the amount of such indebtedness that may be due from Quay county to Guadalupe and Union counties respectively, less the amount of cash on hand in each of said counties to meet such indebtedness, as such conditions existed on the first day of January, 1903; and the amount so found to be due from Quay county to Guadalupe and Union counties respectively, by said commission shall be final and conclusive on each of said counties.

Sec. 6. For the purpose of enabling Quay county to pay to Guadalupe and Union counties the amounts of its obligations and debts to them respectively, as found and ascertained by the commission provided for in section 5 of this act, the board of county commissioners of Quay county is hereby directed and authorized to issue its coupon bonds of that county which bonds shall bear interest at the rate of six per cent. per annum, payable semi-annually; such bonds shall be payable absolutely twenty years from their date at the option of the said county ten years from their date; they shall be in amounts of one hundred dollars (\$100.00) each or in multiples thereof; they shall be signed by the chairman of the board of county commissioners, countersigned by the clerk of said board, attested by its seal and endorsed by the treasurer of the county, with the engraved signature of the clerk of the probate court of said county, on the coupons thereto attached, and shall be in form to be approved by the district attorney of the fourth judicial district of the Territory of New Mexico.

Sec. 7. Such bonds may be sold for cash, at not less than par, and out of the proceeds of such sale the indebtedness of Quay county to the said Counties of Guadalupe and Union, as found by said commission, shall be paid and satisfied in full; and if such sale cannot be made by the first day of January, A. D. 1904, then and in that case, such bonds and coupons attached shall be turned over to Guadalupe and Union counties in full settlement of the indebtedness of Quay county to Guadalupe and Union counties respectively, and it shall be

the duty of the board of county commissioners of Quay county to annually levy a tax sufficient to pay the interest coupons coming due semi-annually upon said bonds, and in addition a sufficient amount to create a sinking fund to pay said bonds when they become due; which sinking fund tax shall be levied annually from and after five years after the passage of this act; said bonds shall be the first issue by Quay county, and the levy for the payment of interest shall be the first made, and such bonds shall be known and designated as "Quay County Establishment Bonds." Such bonds shall be dated the first day of July, A. D. 1903, and the coupons shall become due and be payable semi-annually thereafter. The debt ascertained to be due from Quay county and Guadalupe counties respectively on the first day of January, 1903, shall bear interest at the rate of six per cent. per annum from that date until the payment of the same in cash or in the taking of the bonds and coupons above provided for; and this amount of interest shall be added to the debts evidenced by the issuance of said bonds, and be included therein.

Sec. 8. The county of Quay may issue bonds for court house purposes and to an amount not exceeding twenty-five thousand dollars (\$25,000.00), and for jail purposes to an amount not exceeding five thousand dollars (\$5,000.00), and for current expenses, until taxes are levied and collected, to an amount not exceeding five thousand dollars (\$5,000.00).

Sec. 9. Quay county shall be entitled to have and receive all unpaid taxes that have been levied or assessed upon or against property within the former limits of Guadalupe and Union counties and which by this act are set off from said counties of Guadalupe and Union and has become Quay county; and the treasurer and collector of Quay county shall collect and receipt for the same to the same extent as the respective treasurers and collectors of Guadalupe and Union counties might have done had said property remained within the limits of the Counties of Guadalupe and Union, and Quay county shall be entitled to and shall receive from Guadalupe and Union counties respectively such proportion of the moneys received from licenses issued by said Guadalupe and Union counties in force in Quay county during any part of the year 1903, as such unexpired term of each such license shall bear to the whole term for which such license was issued; and all taxes collected from Quay county and paid into the respective treasuries of Guadalupe and Union counties after January first, 1903, shall be credited upon the proportion of the respective debts of Guadalupe and Union counties assumed and to be paid by Quay county. All school funds in the respective treasuries of Guadalupe and Union counties on April

first, 1903, due to the school districts of Quay county whether apportioned or unapportioned, shall be on said date or immediately thereafter paid over by such treasurers to Quay county.

Sec. 10. On or before the first day of May, A. D. 1903, the treasurers and ex-officio collectors of the Counties of Guadalupe and Union shall deliver to the county commissioners of Quay county a list of all delinquent taxes and unpaid licenses and also a list of all taxes which will become due on July first, A. D. 1903, upon property within the limits of and upon personal property belonging to persons resident within the limits of Quay county, and the treasurer and ex-officio collector of Quay county shall proceed and collect the said taxes and licenses as required by law and they shall become due and be the fund of Quay county.

Sec. 11. Said Quay county is hereby attached to the fourth judicial district of the Territory of New Mexico for judicial purposes, and the district court for the trial of causes arising under the laws of the Territory of New Mexico shall be held at the county seat of said county by the judge of said court at a time appointed by the judge of said court in the same manner as special terms of the district court are now by law ordered and appointed, and the terms for the holding of district court shall be so held until otherwise provided by law. The district attorney for the fourth judicial district of which San Miguel county is a part shall be the district attorney for Quay county until otherwise provided by law and shall be entitled to a salary from said Quay county of two hundred and fifty dollars (\$250) per annum payable quarterly; and all indictments for offenses committed prior to the passage of this act within the limits of Quay county shall be when found, presented and returned by the grand juries of the district court of said Quay county.

Sec. 12. The County of Quay for legislative purposes shall be attached to———council and the———house district until otherwise provided by law.

Sec. 13. Until the appointment and qualification of the county and precinct officers of Quay county the county and precinct officers of the Counties of Guadalupe and Union shall continue to exercise authority as before this act, and shall have jurisdiction as heretofore.

Sec. 14. This act shall be in force from and after its passage.

## CHAPTER 9.

AN ACT IN RELATION TO MAYORS OF CITIES, AND TO OTHER OFFICERS. *C. S. for C. B. No. 44; Approved February 28, 1903.*

## CONTENTS.

Sec. 1. Term of office of mayor, clerk, treasurer, aldermen and board of education.

Sec. 2. Extension of term of office. Date of next election.

Sec. 3. Election of city officers, aldermen and board of education. Term of office.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Hereafter in the cities the term of office of mayor, clerk and treasurer shall be two years, the term of office of the aldermen of the council of cities shall be two and four years, and the terms of office of members of the board of education of cities shall be two and four years.

Sec. 2. The mayors, clerks and treasurers of cities, the aldermen of the council of cities, and the members of the boards of education of cities, now in office, shall remain in office until their successors are elected and qualified at the annual election to be held on the first Tuesday in April, 1904, and there shall be no election held for the election of any of the above named officers in any city in the Territory of New Mexico, on the first Tuesday of April, 1903.

Sec. 3. The qualified electors of cities shall on the first Tuesday of April, 1904, elect one mayor, one clerk, and one treasurer, for the term of two years, and two aldermen of the city council from each ward, one of whom in each ward shall be elected for the term of two years, and the other for the term of four years, and shall elect two members of the board of education from each ward, one of whom in each ward shall be elected for the term of two years and the other for four years.

Sec. 4. This act shall take effect and be in full force from and after its passage.

LAW LIBRARY  
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## CHAPTER 10.

AN ACT FOR THE RELIEF OF A. B. BACA FOR SERVICES IN PURSUING, ARRESTING AND RETURNING TO THE JAIL OF SANTA FE COUNTY, JOSE TELLES, AN ESCAPED PRISONER ACCUSED OF MURDER. *H. B. No. 91; Approved February 28, 1903.*

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CONTENTS.

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Sec. 1. Appropriation for A. B. Baca.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. There be and is hereby appropriated out of any moneys in the territorial treasury, not set apart for the payment of interest on the public debt, the sum of five hundred dollars (\$500) to be paid to A. B. Baca of the County of Socorro, in full payment to him for his expenses and services in pursuing, arresting and returning to the jail of Santa Fe county, Jose Telles, an escaped prisoner therefrom, who had been therein confined under the charge of murder. And the auditor of the territory is hereby authorized and directed to draw his warrant on the treasurer of the territory in favor of said A. B. Baca for said amount, out of which said A. B. Baca shall refund to the sheriff of Santa Fe county any amount which said sheriff may have advanced to him to defray his said expenses.

Sec. 2. This act shall be in force and effect from and after its passage.

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CHAPTER 11.

AN ACT TO PROVIDE FOR THE BURIAL OF HONORABLY DISCHARGED SOLDIERS, SAILORS OR MARINES WHO MAY HEREAFTER DIE WITHOUT LEAVING MEANS SUFFICIENT TO DEFRAY FUNERAL EXPENSES. *A. C. B. No. 6; Approved February 28, 1903.*

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CONTENTS.

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Sec. 1. Board of county commissioners. Duty. Funeral expenses.

Sec. 2. Funeral arrangements. Marking of grave. Probate clerk to keep record.

Sec. 3. Bills to be sworn to and audited.

Sec. 4. Fraud. Penalty.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. It shall be the duty of the boards of county

commissioners in the several counties of this territory to cause to be decently interred the body of any honorably discharged soldier, sailor or marine who served in the army or volunteer service of the United States during any war in which the United States has been engaged, and who may hereafter die without having means sufficient to defray his funeral expenses. Such burial shall not be made in any "Potters Field" or pauper burial ground, nor in any cemetery used exclusively for the burial of pauper dead, and the expenses of any such funeral shall be paid by the county out of the general fund; but not more than fifty dollars (\$50) shall be expended for any such burial.

Sec. 2. Should any surviving relative or relatives or immediate friends, or any Grand Army Post of which deceased was a member, desire to conduct such funeral, they shall be permitted to do so, and the expenses herein provided for shall be paid as specified in section 1 of this act, and the grave of the deceased shall be properly marked and designated, and a record of the name, age, service and death shall be made in a book to be kept for that purpose by the probate clerk.

Sec. 3. All bills for the expenses of any such burial shall be duly sworn to, and the said bills shall be audited and ordered paid to the amount of not more than fifty dollars (\$50) by the board of county commissioners of the county wherein such soldier, sailor or marine resided at the time of his death, and in such manner as other bills are allowed and paid from the general county fund.

Sec. 4. Any person presenting a false, fictitious or fraudulent bill for the purpose herein specified, or who attempts to have audited and paid any false, fictitious or fraudulent bill on account of any such purpose, sworn to as herein required, shall be deemed guilty of perjury and punished accordingly, and any county commissioner who shall knowingly order paid any such false fictitious or fraudulent bill or account, shall be deemed guilty of malfeasance in office and punished by a fine of not more than five hundred dollars (\$500.00), or imprisonment in the county jail not to exceed six months, and removal from office.

Sec. 5. This act shall take effect from and after its passage.

## CHAPTER 12.

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AN ACT FIXING THE FEES OF THE DISTRICT ATTORNEY FOR THE COUNTIES OF COLFAX AND UNION. *C. B. No. 60; Approved February 28, 1903.*

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### CONTENTS.

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Sec. 1. Change of salary.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Hereafter the district attorney of the Counties of Colfax and Union, in addition to the salary now paid him by the territory and the fees received by him for the prosecution of civil and criminal actions, shall be paid the sum of four hundred dollars (\$400.00) by the County of Colfax and the sum of three hundred (\$300.00) from the County of Union, per annum, payable quarterly.

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed, and this act shall take effect and be in force from and after its passage.

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## CHAPTER 13

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AN ACT WITH REFERENCE TO TAXATION BY MUNICIPAL CORPORATIONS, GIVING TO CITIES AND TOWNS THE POWER TO LEVY A SPECIAL TAX FOR WATER AND LIGHT PURPOSES. *A. C. B. No. 45; Approved February 28, 1903.*

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### CONTENTS.

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Sec. 1. Cities or towns may levy a special tax for water and light purposes. Proviso.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That whenever the right to build, maintain and operate works for the supplying of water and lights has been, or may be granted to individuals or corporations in cities or towns in this territory and any such cities or towns have contracted, or shall contract with such individuals or corporations for supplying water and lights for public or municipal purposes, such city or town may levy each year and cause to be collected a special tax sufficient to pay the amounts so agreed to be paid for the supplying of water or lights, not exceeding the sum of four (4) mills for water and two (2) mills for lights on the dollar for any one year: *Provided*, that this shall not authorize any increase in the total



amount of taxes now authorized to be carried by such cities and towns, but such total taxes for all purposes shall remain as now enacted by law.

Sec. 2. All acts and parts of acts in conflict with this act are repealed, and this act shall be in force from and after its passage.

## CHAPTER 14.

AN ACT CONFERRING ADDITIONAL DUTIES AND POWERS UPON MAYORS OF CITIES AND TOWNS. A. C. B. 5; *Approved February 28, 1903.*

### CONTENTS.

Sec. 1. Ordinances or acts of city council to be endorsed "approved" or "disapproved" by the mayor.

Sec. 2. Passing of ordinances over mayor's veto.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Hereafter no resolution, ordinance or other legislative action of the council of cities or the trustees of towns shall be valid and effective unless endorsed "Approved" by the mayor, with his official signature, except as hereinafter stated. If the mayor disapprove of any such resolutions, ordinances, or other legislative action of the council of cities or boards of trustees of towns, he shall endorse upon the same within three days after the adoption thereof "Disapproved," and sign his name under such endorsement.

Sec. 2. If any ordinance, resolution or other legislative action, of the council of cities or boards of trustees of towns has been by the mayor disapproved, the same may be reconsidered by the council or board of trustees at its next regular meeting or at the next meeting at which a quorum is present, and after such reconsideration two-thirds of the members of the council of cities or boards of trustees present, voting, agree to pass such ordinance, resolution, or other legislative action, then the mayor shall declare the same to have been passed, and the same shall become a valid ordinance or resolution.

Sec. 3. This act shall take effect from and after its passage.

## CHAPTER 15.

AN ACT RELATING TO THE DISTRIBUTION OF THE WATER OF  
DITCHES BY COMMISSIONERS OR SUPERINTENDENTS. A.  
*H. B. No. 56; Approved March 4, 1903.*

## CONTENTS.

- Sec. 1. Ditch commissioners. Meeting. Duties.  
Sec. 2. Election of chairman and secretary. Term of office. Duty of secretary.  
Sec. 3. Distribution of water.  
Sec. 4. Failure of water commissioner or superintendent to perform prescribed duties. Penalty.  
Sec. 5. Act not to apply to ditches from Rio Grande.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section. 1. From and after the passage of this act, it shall be the duty of all the ditch commissioners of the Territory of New Mexico, where two or more ditches are constructed from and supply waters from the same source or river and within the limits of a precinct, to have a meeting on the first Monday of April of each year for the purpose of making a true, just and equitable apportionment and distribution of the water for their respective ditches, and it shall be the duty of the superintendents of said ditches respectively to apportion and distribute the water in said ditches among the persons entitled thereto to the use of the same, in accordance with the orders of said ditch commissioners and not otherwise.

Sec. 2. In the meeting of said ditch commissioners, a majority of the persons elected as such shall constitute a quorum for the transaction of business, to carry out the purposes of this act. They shall elect a chairman and secretary from among their number. The chairman and secretary thus elected shall hold their positions during their term of office as ditch commissioners, and it shall be the duty of the secretary to keep in a proper book all of the proceedings of the meeting and to furnish the respective superintendents with a certified copy of the rules and regulations adopted at said meeting for the apportionment and distribution of the water free of cost.

Sec. 3. The said apportionment and distribution of the water shall be made in accordance with the rights of each ditch, and in proportion to the lands irrigated by each ditch.

Sec. 4. If any superintendent or water commissioner, neglects or refuses to discharge the duties required of him by this act, he shall be fined for each offense in a sum not of exceed ten dollars (\$10.00) recoverable before any justice of

the peace in the county; and the moneys thus recovered from said fines, shall be paid to the county treasurer, to be applied to the school fund of the district where said offense is committed.

Sec. 5. Nothing in this act shall be construed as applying to the community or other ditches constructed from and conveying waters from the Rio Grande.

Sec. 6. All acts and parts of acts in conflict with this shall be repealed, and this act shall be in full force and effect from and after its passage.

## CHAPTER 16.

AN ACT TO AMEND SECTION 1 OF CHAPTER 74 OF THE SESSION LAWS OF 1901, ENTITLED "AN ACT TO AMEND THE FIRST SUBDIVISION OF SECTION 4141 OF THE COMPILED LAWS OF 1897, RELATING TO PEDDLERS." *H. B. No. 95; Approved March 5, 1903.*

### CONTENTS.

Sec. 1. Section 1. Chapter 74, Laws of 1901. Regarding peddlers, Amended.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Section 1 of chapter 74 of the Session Laws of 1901 is hereby amended to read as follows: "All persons who may engage in any itinerant trade, by sample or otherwise, selling at retail to individual purchasers who are not dealers in the article sold, except in the selling of maps, books, newspapers, fuel, fruits and domestic machinery, shall be considered peddlers within the meaning of this act."

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed, and this act shall take effect and be in force from and after its passage.

## CHAPTER 17.

AN ACT ENTITLED "AN ACT TO ENCOURAGE THE ESTABLISHMENT OF SANITARIUMS IN THE TERRITORY OF NEW MEXICO." *H. B. No. 149; Approved March 5, 1903.*

### CONTENTS.

Sec. 1. Certain sanitariums exempted from taxation,

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Any company or corporation which shall, within

the period of one year from the passage of this act, commence, and within the period of two years from and after the passage of this act shall have expended at least the sum of one hundred thousand dollars (\$100,000.00) in the erection or construction of a sanitarium for the care of invalids and those persons afflicted with tuberculosis and other pulmonary diseases, in this territory, shall, thereafter, be exempt from taxation upon all property actually used for or in connection with such sanitarium for a period of six years from and after the expiration of two years after the passage of this act, and unless the said expenditure be fully made as stated herein, then and in that case this act shall be null and void and of no effect.

Sec. 2. This act shall take effect thirty days after its passage.

## CHAPTER 18.

AN ACT IN RELATION TO THE PAYMENT OF TAXES BY THE SANTA FE PACIFIC RAILROAD COMPANY. *H. B. 81; Approved March 7, 1903.*

### CONTENTS.

Sec. 1. Tax, as fixed by act of Congress, upon property of Santa Fe Pacific Railroad company, to be paid collectors of Bernalillo, Valencia and McKinley counties. Form of tax receipts.

Sec. 2. Tax collected to be distributed to various funds.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Whereas, pursuant to the terms of an act of the Congress of the United States, entitled "An Act authorizing the Santa Fe Pacific Railroad company to sell or lease its railroad property and franchises, and for other purposes" approved June 27, 1902, it is provided that the said Santa Fe Pacific Railroad company, its successors or assigns, shall pay an annual tax at the rate of one hundred and seventy-five dollars (\$175.00) per mile to the Territories of New Mexico and Arizona, respectively, for each mile of main track in said territories, respectively, the same to be apportioned among the counties of said territories in which said railroad is located according to the mileage in each county, said taxes so fixed by said act being in lieu of all other taxes upon the property mentioned in said act of congress, excepting the land grant and the shops situate at Albuquerque, New Mexico, including the machinery therein and the lands upon which said shops are situate; and

Whereas, it is provided by said act of congress that said tax shall be paid to each of said territories, but does not specify how or to what officers of the territory the same shall be paid;

*Now Therefore, Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. The said tax upon the property of the Santa Fe Pacific Railroad company, as fixed by the Act of Congress, approved June 27, 1902, shall be paid by said railroad company, its successors or assigns, to the collector of the Counties of Bernalillo, Valencia and McKinley, respectively, at the time and in the same manner as other taxes are paid in this territory, proportionately according to the number of miles of main track of said Santa Fe Pacific Railroad company lying and being in each of said counties, respectively, and the said collector of taxes shall make and issue to said railroad company, its successors or assigns, his receipt for all taxes paid to him under the provisions of this act in the same manner as tax receipts are now issued by collectors of taxes under the laws of this territory.

Sec. 2. Upon the payment to the collector of the counties hereinbefore named of the total amount of the tax due to said county under the provisions of the said act of congress, the said collector shall distribute the same to the several funds, territorial, county, school, municipal, town and city, as well as all interest funds, using as a basis for such distribution the several levies as annually made by authority of law for the above enumerated purposes.

Sec. 3. This act shall take effect and be in force from and after its passage.

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## CHAPTER 19.

AN ACT ENTITLED "AN ACT DIRECTING THE TERRITORIAL TREASURER TO TRANSFER CERTAIN FUNDS TO PENITENTIARY ACCOUNT." *H. B. No. 70; Law by Limitation, March 9, 1903.*

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### CONTENTS.

Sec. 1. Five thousand dollars (\$5,000.00) transferred to general maintenance fund of penitentiary.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. The territorial treasurer is hereby directed to

transfer from any funds in the treasury, the sum of five thousand dollars (\$5,000.00) and place the same to the credit of the general maintenance fund of the penitentiary.

Sec. 2. This act shall be in full force from and after its passage.

## CHAPTER 20.

### AN ACT IN RELATION TO COUNTIES AND COUNTY INDEBTEDNESS. *C. B. No. 111; Approved March 10, 1903.*

#### CONTENTS.

- Sec. 1. Counties or parts of counties, having outstanding indebtedness, not to be released from taxation, when taken to form a new county or add to area of old county. Duty of commissioners in levying and collecting taxes. Proviso.
- Sec. 2. Moneys collected by collector of new county to be paid to treasurer of county from which territory is taken.
- Sec. 3. Entire county, having outstanding indebtedness, taken to form new county, not released from indebtedness. County commissioners to make levy.
- Sec. 4. Failure of commissioners, assessors or collectors to make levy and collect taxes. Penalty.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Whenever a part of the territory embraced within the limits of any county of this territory having outstanding indebtedness, bonded or otherwise, is taken to form a new county or to add to the area of a county already in existence, nothing in the act shall be construed to release any of the citizens or property, subject at that time or which may thereafter become subject to taxation within the exterior boundaries of the territory so taken, unless such indebtedness has been otherwise provided for, and the board of county commissioners of such new county or of the county to which such territory has been added is hereby authorized and required to levy annually a tax which shall be assessed and collected by the assessor and collector at the time and in the manner that other taxes are assessed, levied and collected in said county upon all the citizens and residents and property subject or which may thereafter become subject to taxation within the limits of the territory so taken as the same legally existed and is established at the time the said territory is taken: *Provided*, that said tax shall be uniform between the county gaining and the county losing the territory. The board of county commissioners of the county whose territory has been taken shall notify the board of county

commissioners of such new county to which territory has been added of the amount of the levy and for the purposes above specified immediately upon the same being made; and no adjournment of either board of county commissioners, when convened for making the levies for the purposes of taxation, shall be had until the levy herein provided for shall have been made.

Sec. 2. All moneys collected by the collector of such new county or of the county to which said territory has been added pursuant to the levy and assessment provided for in section 1 of this act, shall be paid to the treasurer and collector of the county from which territory was taken, on or before the fifteenth day of each month.

Sec. 3. Should an entire county having an outstanding indebtedness, bonded or otherwise, be taken so as to form a new county or be absorbed into another county already existing, it is hereby made the duty of the board of county commissioners of such new county, or of the county into which such entire new county may have been absorbed, annually to levy a tax which shall be assessed and collected by the assessor and collector of said county at the time and in the manner that other taxes are levied, assessed and collected in said county, unless such indebtedness has been otherwise provided for, upon all citizens, residents and property now subject or which may herein be subject to taxation within the limits of the county so taken or absorbed as herein mentioned sufficient to pay the interest or principal or both of such outstanding indebtedness in the same manner and to the same extent as was or would be required of the county commissioners of the county so taken or absorbed had the same not been taken or absorbed.

Sec. 4. Any member of the board of county commissioners of any county or any assessor or collector or other officer charged with the levy, assessment or collection of taxes who shall fail to perform the duties provided for in this act, shall, upon complaint made to the governor of this territory of the fact of such failure, be forthwith removed from office.

Sec. 5. This act shall take effect and be in force from and after its passage.

## CHAPTER 21.

AN ACT TO PREVENT INJURY TO DITCHES, PIPE LINES, RESERVOIRS AND THE TAKING OF AND BEFOULING OF WATER THEREFROM. A. C. B. No. 68; Approved March 10, 1903.

## CONTENTS.

Sec. 1. Unlawful to wilfully and maliciously injure ditch, pipe line, flume or reservoir. Misdemeanor. Penalty in case water is to be used for domestic purposes.

Sec. 2. Unlawful to bathe in or befoul waters for domestic use. Penalty.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section. 1. Any person who shall wilfully and maliciously cut, break or injure, or who shall by shooting or by damming or obstructing the same cause to break, or injure any ditch, flume, pipe line, or reservoir, belonging to another, or any of the attachments or fixtures used in connection therewith, shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), or by confinement in the county jail for not more than sixty days, or by both such fine and imprisonment in the discretion of the court trying the case, except in cases where such pipe line or reservoir is used for the purpose of supplying water to any community, village, town or city for domestic purposes, in which event the person committing such offense shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), or by imprisonment in the county jail not less than thirty, nor more than sixty days, or by both such fine and imprisonment in the discretion of the court trying the case.

Sec. 2. Any person who shall bathe in, or wilfully cast any filth in, any reservoir or ditch used for supplying water for domestic use, shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars (\$10.00) or not more than twenty-five dollars (\$25.00).

Sec. 3. All acts and parts of acts in conflict herewith are hereby repealed, and this act shall take effect from and after its passage.



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CHAPTER 22.

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AN ACT AUTHORIZING THE CONSOLIDATION OF BENEVOLENT, CHARITABLE AND SCIENTIFIC ASSOCIATIONS. *C. B. No. 35; Approved March 10, 1903.*

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CONTENTS.

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Sec. 1. Benevolent, charitable and scientific associations, having no capital stock may consolidate. Three-fourths of board of directors must give written consent. Notice of consolidation to be published. Articles of incorporation to be filed with Secretary of Territory.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. All benevolent, charitable and scientific associations or incorporations, incorporated under the laws of the Territory of New Mexico, and having no capital stock, may consolidate their debts, property, assets and franchises with any other like association or corporation, either created under the laws of the Territory of New Mexico or under the laws of any other state or territory, in such manner as may be agreed upon by the respective boards of directors or trustees of such corporations. No such consolidation must take place without the written consent of three-fourths of the board of directors or trustees of the corporations, and such consolidation must not in any way relieve such corporation or corporations from any and all just liabilities. In case of such consolidation, due notice of the same must be given, by advertisement for one month in at least one newspaper published at the principal place of business of the corporations consolidating. When the consolidation is completed, a copy of the new articles of incorporation must be filed with the secretary of state or of the territory in the same manner as original articles of incorporation are required to be filed.

Sec. 2. This act shall take effect and be in force from and after its passage.

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CHAPTER 23 .

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AN ACT PROVIDING FOR THE WRITING AND PUBLISHING OF THE HISTORY OF NEW MEXICO. *C. B. No. 98; Approved March 10, 1903.*

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CONTENTS.

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Sec. 1. History of New Mexico to be written by J. Franco. Chaves. Adoption as a text book.

Sec. 2. Appropriation for preparation of work.

Sec. 3. Distribution of proceeds of sales.

Sec. 4. Adoption as text book. Territorial board of education to let contract for publication and fix price per volume.

Whereas, it is desirable and essential that the history of the Territory of New Mexico should be preserved in a substantial and beneficial form for the benefit of the present and future generations of the people of the territory, and that the youth of the country should be instructed in reference thereto: Now, therefor,

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That J. Franco. Chaves, of Valencia county, be, and he hereby is designated and selected to write and prepare for publication an accurate and correct history of this territory, and to prepare and condense therefrom a text book of such history, to be hereafter passed upon and accepted and adopted as such text book, for use in the common schools of this territory.

Sec. 2. That for the purpose of aiding in the work of preparation of said history, the said J. Franco. Chaves is hereby authorized to employ such clerical help and assistance as he may deem advisable, and there is hereby appropriated, for the payment of the expenses of the said J. Franco. Chaves while engaged in said work, the sum of fifty dollars (\$50.00) per month, and for the payment of said clerical assistance the sum of seventy-five dollars (\$75.00) per month, for the 54th and 55th fiscal years, payable out of the territorial salary fund.

Sec. 3. That the proceeds of all sales of such history, when prepared and published, shall belong to the Territory of New Mexico, until the amounts so paid to the said J. Franco. Chaves for expenses and clerical help shall be reimbursed to the territory, and thereafter the proceeds of all sales of said history and text books, after deducting therefrom the cost of the publication thereof, shall belong to the said J. Franco. Chaves, and be paid to him as such sales are made.

Sec. 4. That such text book of the history of New Mexico, so condensed as above provided, for use in the common schools, shall not be considered adopted by the territory until after the same shall have been submitted to and approved by the board of education of this territory, which board shall be authorized to enter into a contract with the lowest bidder for the printing and binding thereof, to be supplied by the publisher to the educational authorities of the territory, from time to time, in such quantities as the necessities of the common schools may demand; and such board of education shall have authority to and shall fix the price per

volume at which the same shall be supplied to said common schools, including a reasonable royalty upon each volume thereof, in addition to the cost of publication and binding thereof, which royalty shall be paid to the said J. Franco. Chaves, or his heirs, or in accordance with his order.

Sec. 5. This act shall take effect from and after its passage, and the payments herein provided for the expense of carrying on the said work shall commence from such time as the said J. Franco. Chaves shall enter upon the preparation of said history.

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## CHAPTER 24.

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AN ACT CHANGING THE BOUNDARY OF RIO ARriba COUNTY BY ADDING THERETO A PORTION OF SANTA FE COUNTY. C.  
*B. No. 63; Law by Limitation, March 10, 1903.*

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### CONTENTS.

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Sec. 1. Precinct 16, Española, detached from Santa Fe county and attached to precinct 7 of Rio Arriba county.

Sec. 2. Officers of precinct 7 of Rio Arriba county to have jurisdiction over precinct attached.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That all of precinct number sixteen of Santa Fe county, known as Española precinct, be and the same is hereby detached from Santa Fe county and made a part of Rio Arriba county and attached to precinct number seven of said Rio Arriba county.

Sec. 2. The precinct officers for precinct number seven of Rio Arriba county now serving shall have jurisdiction over the territory attached to said precinct by this act.

Sec. 3. All acts and parts of acts in conflict herewith are hereby repealed; and this act shall be in full force and effect thirty days after its passage.

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CHAPTER 25.

AN ACT TO AMEND SECTION 7 OF CHAPTER 47 OF THE SESSION LAWS OF NEW MEXICO, 1901, BEING AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE APPOINTMENT OF A POLICE FORCE IN UNINCORPORATED COUNTY SEATS HAVING A POPULATION OF MORE THAN THREE THOUSAND, AND FOR OTHER PURPOSES," APPROVED MARCH 19, 1901. *C. B. No. 65; Approved March 10, 1903.*

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CONTENTS.

Sec. 1. Section 7, Chapter 47, Laws of 1901, regarding impounding of live stock, Amended.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 7 of an act entitled "An Act to provide for the appointment of a police force in unincorporated county seats having a population of over three thousand, and for other purposes," approved March 19th, 1901, be amended by inserting in the fourth line of said section, immediately following the word "park," the words "street, alley, avenue, or any other public thoroughfare," and by inserting immediately following the word "park" at the end of the seventh line of said section, the words "street, alley, avenue, or any other public thoroughfare."

Sec. 2. This act shall be in full force and effect from and after its passage.

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CHAPTER 26.

AN ACT TO REPEAL SECTION 1 OF CHAPTER 82, AND CHAPTER 99, SESSION LAWS OF 1901. *C. B. No. 15; Approved March 10, 1903.*

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CONTENTS.

Sec. 1. Section 1, Chapter 82, Laws of 1901, and Chapter 99, Laws of 1901, regarding appeals and writs of error and practice in supreme court, Repealed.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 1 of chapter 82, Session Laws of New Mexico, approved March 21st, 1901, and chapter 99 of the same laws, approved on the same day, being acts in regard to appeal and writs of error and concerning practice in the supreme court, being the same, are hereby repealed in all their parts and provisions.

Sec. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER 27.

AN ACT TO CREATE THE COUNTY OF SANDOVAL. C. B. No. 102; *Approved March 10, 1903.*

### CONTENTS.

- Sec. 1. Sandoval county created. Boundaries.
- Sec. 2. County officials Election and returning board. Duties.
- Sec. 3. Election of county officers of Bernalillo county. Notice by county commissioners.
- Sec. 4. Registration lists in Bernalillo and Sandoval counties.
- Sec. 5. County seat. Special election to be held for the selection.
- Sec. 6. County officials. Election and returning board. Duties.
- Sec. 7. County of third class. Salaries of officers.
- Sec. 8. Legislative representation of Counties of Bernalillo, Sandoval and McKinley.
- Sec. 9. Assignment of county to judicial district and fixing term of holding court. District attorney. Salary.
- Sec. 10. Precinct and school district officers.
- Sec. 11. Proportion of indebtedness of Bernalillo county to be paid by Sandoval county. Commission to adjust indebtedness.
- Sec. 12. Bond issue to provide for payment of indebtedness. Form. Maturity. Rate of interest.
- Sec. 13. Sale of bonds. Provision for the payment of interest and principal. Creation of sinking fund
- Sec. 14. Unpaid taxes and licenses.
- Sec. 15. Issue of bonds for court house and jail purposes, and current expenses. Rate of interest. Form.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That a county be and the same is hereby created and established in the Territory of New Mexico, to be known as the County of Sandoval, which shall include all that portion of the present County of Bernalillo lying north of a line beginning at the southeast corner of township twelve north, range six east of the New Mexico Principal Meridian, and running thence due west on the township line between townships eleven and twelve north, to the boundary line between the present County of Bernalillo and the County of Valencia.

Sec. 2. The county officers for the said County of Sandoval and their duties shall be the same as those prescribed by law for officers of other counties in the Territory of New Mexico, and they shall be elected at the same time and in the same manner as the officers of other counties in New Mexico. On or before the first day of April, 1903, the governor of the Territory of New Mexico shall appoint three qualified persons who shall be legal voters within the limits of said County of

Sandoval, as an election and returning board. The members of said returning board before entering upon the discharge of their duties shall take an oath before some officer duly qualified to administer the same, which oath shall be that prescribed for county commissioners, and shall be in writing, and after having executed the same, it shall be filed by the members with the secretary of the territory, who shall thereupon send the said returning board registration lists, poll books and all other blanks which are sent by him to county commissioners of organized counties for the purpose of conducting elections therein. It shall be the duty of such returning board to appoint judges and clerks of election, and to call and give notice of the holding of a special election, to be held on the fourteenth day of April, 1903, and said persons so appointed shall have the same power and authority as to receiving, canvassing and certifying the returns of the said special election to be held on the said fourteenth day of April, 1903, as is now conferred by law upon the boards of county commissioners of the several counties of the territory. Such members of such returning board shall serve as such without compensation and their functions shall cease with the election of a board of county commissioners of said County of Sandoval.

Sec. 3. On or before the first day of April, 1903, the county commissioners of the present County of Bernalillo shall give notice of an election to be held on the fourteenth day of April, 1903, within the County of Bernalillo as the same will be constituted after the passage of this act, for the election of two county commissioners, one probate judge and one assessor, to serve until their successors are elected and qualified at the next general election. Said officers so named in this section to be at the time of said election actual bona fide residents of the said County of Bernalillo as the same shall be constituted after the passage of this act. The returns of said election to be made as the returns of general elections are made.

Sec. 4. The registration lists of the last general election held in the County of Bernalillo shall be used in the special elections in the Counties of Bernalillo and Sandoval, herein provided to be held.

Sec. 5. At said special election, to be held as hereinbefore provided, in the County of Sandoval, on the fourteenth day of April, 1903, there shall also be held an election for the selection of a county seat for said County of Sandoval, and upon the tickets used at said special election there shall be printed the words "For \_\_\_\_\_ as county seat", and the place in the said County of Sandoval receiving the majority

of said votes at said special election shall be and remain the county seat of said County of Sandoval.

Sec. 6. The county officers for the said County of Sandoval and their duties shall be the same as those prescribed by law for officers of other counties in the Territory of New Mexico, and they shall be elected at the same time and in the same manner as the officers of other counties in New Mexico. On or before the first day of April, 1903, the governor of the Territory of New Mexico shall appoint three qualified persons who shall be legal voters within the limits of said County of Sandoval, as an election and returning board. The members of said returning board before entering upon the discharge of their duty shall take an oath before some officer duly qualified to administer the same, which oath shall be that now prescribed for county commissioners, and shall be in writing, and after having executed the same, it shall be filed by the members with the secretary of the territory, who shall thereupon send the said returning board registration lists, poll books, and all other blanks which are sent by him to county commissioners of organized counties, for the purpose of conducting elections therein. It shall be the duty of such returning board to appoint judges and clerks of election, and to call and give notice of the holding of a special election to be held on April fourteenth, 1903, and said persons so appointed shall have the same power and authority as to receiving, canvassing and certifying of the returns of the said special election to be held on the said fourteenth day of April, 1903, as is now conferred by law upon the boards of county commissioners of the several counties of the territory. Such members of said returning board shall serve as such without compensation and their functions shall cease with the election of a board of county commissioners of said County of Sandoval.

Sec. 7. The said County of Sandoval with reference to salaries and compensation of officers shall be a county of the third class as defined in and provided for in chapter 60 of the Session Laws of 1897, compiled in the Compiled Laws of 1897, as pages 303 and 304, and the emoluments of the officers of said county shall be the same as are now provided for officers of counties belonging to said third class, as they are now or hereafter may be provided by law.

Sec. 8. For legislative purposes the said County of Sandoval shall have one representative alone; and the County of Bernalillo as herein constituted one representative alone; the County of Bernalillo as the same will be constituted under the provisions of this act, with the County of McKinley, shall have one representative; the Counties of Bernalillo, Sandoval and McKinley shall have one councilman jointly, and the

County of Bernalillo as the same will be constituted hereunder shall have one councilman.

Sec. 9. The said County of Sandoval is hereby attached for judicial purposes to the second judicial district, and a district court for the trial of causes arising under the laws of the territory shall be held twice a year by the judge of said court, at the county seat of Sandoval county, at such time as the judge may determine until regular terms of court therein shall be prescribed by law, and the district attorney for the Counties of Bernalillo, Valencia and McKinley, shall also act as district attorney for said County of Sandoval, and his appointment shall include said county, and his salary from the County of Sandoval shall be the same as that paid by the County of McKinley.

Sec. 10. The precincts and school districts now existing in the territory included in the Counties of Sandoval and Bernalillo respectively, shall remain the same as now constituted until changed as provided by law, and the respective district and precinct officers shall continue in office until their successors are elected and qualified under the general laws of the territory.

Sec. 11. The auditor, treasurer and solicitor general of the territory shall constitute a commission for the purpose of ascertaining what portion of the public debt of Bernalillo county shall be assumed and paid by Sandoval county. They shall meet for that purpose on or before April fourteenth, 1903, and shall proceed to ascertain, first, the total indebtedness of Bernalillo county; second, the amount of money on hand applicable to the payment of any portion of said indebtedness; third, the value of all permanent public improvements, the property of the county, which will remain in Bernalillo county; fourth, the value of all permanent public improvements the property of the county, which will be within the limits of Sandoval county; fifth, the total amount of the valuation of property, for purposes of taxation, as shown by the assessment rolls for the year 1902, which will remain within the limits of the two counties, respectively. They shall then deduct from the total indebtedness of Bernalillo county the amount of money on hand as aforesaid, and the value of all permanent public improvements which will remain in Bernalillo county, and the remainder will be the amount of public indebtedness to be apportioned and divided between the two counties. They will then apportion and divide the said indebtedness between the two counties in the same proportion as the total valuations of property in the two counties, ascertained as aforesaid, may bear to each other, and to the portion assigned to Sandoval county, shall be added the value



of all permanent public improvements, the property of the county, within the limits of said Sandoval county, and the sum thus obtained shall constitute the amount of such indebtedness to be assumed and paid by Sandoval county; and any money, bonds, securities or promises to pay issued by Sandoval county, for the payment of said portion of said indebtedness, shall be applied solely to the payment of the bonded indebtedness of the County of Bernalillo. The said commission shall keep a record of its proceedings, and shall furnish a certified copy thereof to each of said counties, and the award of said commission shall be final and conclusive on both counties.

Sec. 12. For the purpose of enabling Sandoval county to pay to Bernalillo county the amount of its obligation and debt as found and ascertained by the commission provided for in section 11 of this act, the board of county commissioners of Sandoval county is hereby authorized and directed to issue its coupon bonds of that county, which shall bear interest at the rate of five per cent. per annum, evidenced by coupon bonds, payable semi-annually; such bonds shall be payable absolutely twenty years from their date, and at the option of said county after ten years from their date. They shall be in sums of one hundred dollars (\$100.00), or some multiple thereof; they shall be signed by the chairman of the board of county commissioners, countersigned by the clerk of said board, attested by its seal and endorsed by the treasurer of the county, and shall be in form to be approved by the district attorney of the second judicial district.

Sec. 13. Such bonds may be sold for cash, at not less than par and the proceeds turned over to the said County of Bernalillo in full settlement of said debt; and if such sale cannot be made by the first day of January, 1904, then and in that case the said bonds and coupons attached shall be turned over to Bernalillo county in full settlement of said debt, but in no case shall said bonds and coupons ever be sold for less than par. And it shall be the duty of the board of county commissioners of Sandoval county to annually levy a tax sufficient to pay the interest coupons coming due semi-annually upon said bonds, and in addition a sufficient amount to create a sinking fund to pay said bonds when they become due. Said bonds shall be the first issued by said Sandoval county, and the levy for the payment of interest and to create a sinking fund shall be the first made, and such bonds shall be known and designated as "Sandoval County Establishment Bonds." Such bonds shall be dated the first day of July, 1903, and the coupons due and payable semi-annually thereafter.

The debt ascertained to be due from Sandoval to Bernalillo

lillo county on the fourteenth day of April, 1903, shall bear interest at the rate of five per cent. per annum from date until the payment of the same in cash or the taking of the bonds above provided for and this amount of interest shall be added to the debt evidenced by the issuance of said bonds, and be included therein from April fourteenth, 1903, and the five per cent. additional interest due to January first, 1904, shall be considered and treated as a current expense of Sandoval county and paid as such.

Sec. 14. Sandoval county shall be entitled to have and receive from the County of Bernalillo all unpaid taxes due after June first, 1903, which taxes have been levied upon or against property within the former limits of Bernalillo county and which by this act is cut off from Bernalillo county and becomes a portion of Sandoval county; and the treasurer and collector of said Sandoval county shall collect and receipt for the same to the same extent as the treasurer of Bernalillo county might have done had said property remained within the limits of said county. And Sandoval county shall be entitled to and shall receive from Bernalillo county, such portion of the moneys received from licenses issued by Bernalillo county, in force in Sandoval county during any part of the year 1903 as such unexpired term of each such license may bear to the whole term for which such license was issued. And all taxes already collected and paid into Bernalillo county for the year 1903, upon the persons and property situated within the limits and boundaries of Sandoval county, shall be credited upon the proportion of Bernalillo county debt accrued and to be paid by Sandoval county; and all penalties or interest accrued upon taxes due upon such property within the limits and boundaries of Sandoval county for the year 1903, are hereby transferred to that county, and its treasurer shall collect and receipt for the same as if they had originally accrued to said Sandoval county.

Sec. 15. For the purpose of enabling said County of Sandoval to provide for its current expenses until taxes may be levied and collected therein, said county is hereby authorized and directed to issue its current expense bonds to an amount not exceeding five thousand dollars (\$5,000.00), and for the purpose of erecting a suitable court house, bonds to the amount of not more than twenty-five thousand dollars (\$25,000.00), to be known as court house bonds, and for the purpose of erecting a suitable jail, bonds to the amount of five thousand dollars (\$5,000.00), to be known as jail bonds. All such bonds shall bear interest at a rate of not to exceed six per cent. per annum, to be evidenced by interest coupons, and all such bonds shall be in the form and for the time

issued and sold and the proceeds disposed of in the manner provided in section 12 of chapter 38 of the Session Laws of 1901, being an act to create the County of Luna.

Sec. 16. This act shall take effect and be in force on and after the fourteenth day of April, 1903, at which date or as soon thereafter as qualified the first officers of said county elected at the special election of 1903 shall assume their respective duties and the said county shall be fully established as a county of the Territory of New Mexico, and the provisions herein contained providing for a returning board and its action in calling the election and canvassing the votes, and the method of ascertaining the debt of Sandoval county to Bernalillo county, shall take effect and be in force from and after the passage of this act.

## CHAPTER 28.

AN ACT AUTHORIZING THE COMPILATION, PRINTING AND DISTRIBUTION OF THE SCHOOL LAWS. *S. for H. B. No. 83; Approved March 10, 1903.*

### CONTENTS.

Sec. 1. Superintendent of public instruction authorized to compile and have printed all school laws.

Sec. 2. Appropriation for compilation and printing. Proviso.

Sec. 3. Copies of printed school laws to be furnished to county school superintendents and chairmen of school directors

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That the superintendent of public instruction shall cause to have compiled, and biennially, shall cause to have printed two thousand copies in English and two thousand in Spanish, in pamphlet form, of all existing school laws of the Territory of New Mexico, and such school laws as may be enacted by the 35th Legislative Assembly, and after each future Legislative Assembly, if any laws shall have been enacted pertaining to schools he shall, in the first issue of said pamphlets, thereafter, include any school laws that may have been enacted by any such future legislative assembly. In the meaning of this act such pamphlets shall embrace all such school laws in one copy. The first issue of pamphlets shall be compiled and printed, ready for distribution before the first day of July of the year 1903.

Sec. 2. The compilation and printing of the pamphlets herein referred to, shall be paid for from any funds in the hands of the territorial treasurer arising from the rental or leasing of the common school lands, and for this purpose the

territorial auditor is hereby directed and required to draw an order on the territorial treasurer in favor of the superintendent of public instruction for a sum not exceeding twelve hundred and fifty dollars (\$1,250.00): *Provided*, that the printing and binding authorized by this act shall be let to the lowest responsible bidder.

Sec. 3. It shall be the duty of the superintendent of public instruction of the territory, before the first day of August of each year, to forward a sufficient number of such pamphlets of compiled schools laws to the superintendent of schools of the several counties of the Territory of New Mexico. It shall be the duty of the county superintendent to place a copy of said pamphlets in the hands of the chairman of the directors of public schools in each and every district of said county.

Sec. 4. All acts and parts of acts in conflict herewith are hereby repealed, and this act shall take effect from and after its passage.

## CHAPTER 29.

### AN ACT RELATING TO POWERS OF PROBATE COURTS. *H. B. No. 137; Approved March 11, 1903.*

#### CONTENTS.

Sec. 1. Administrators required to turn over to beneficial owner, all interest held by him, which was held by intestate.

Sec. 2. All assignments validated as of date of action by probate court.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Where it is made to appear to the satisfaction of the probate courts that administrators of estates have in their power, custody or control personal property, chooses in action, notes, bills, judgments, or other evidences of indebtedness, the actual title and ownership of which was not in the intestate at the time of his demise but was held by him for the beneficial interest of some third person at such time, it is hereby made the duty of the probate courts to require the administrator to assign, set over and deliver the same to the beneficial owner.

Sec. 2. All assignments, settings over and deliveries of the properties mentioned in the first paragraph of this act heretofore required to be made by the probate courts, and all ratifications of such transfers heretofore made by said courts are hereby validated as of the date of the action of said probate courts.

Sec. 3. All acts and parts of acts in conflict with this act are hereby repealed.

Sec. 4. This act shall be in full force and effect from and after its passage.

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## CHAPTER 30.

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AN ACT TO REPEAL SECTION 1271, COMPILED LAWS OF NEW MEXICO, AND FOR OTHER PURPOSES. *H. B. No. 29; Approved March 11, 1903.*

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### CONTENTS.

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Sec. 1. Section 1271, Compiled Laws of 1897, regarding sale of liquor to Indians, Repealed.

Sec. 2. Sale of liquor to Indians. Penalty.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Section 1271 of the Compiled Laws of 1897 is hereby repealed.

Sec. 2. Every person or persons who sells, exchanges, gives, barter or disposes of any spirituous or fermented liquors or wines to any Indian under the charge of any superintendent or Indian agent shall be punished by imprisonment for not more than two years and by a fine of not more than five hundred dollars (\$500.00).

Sec. 3. All acts and parts of acts in conflict herewith are hereby repealed and this act shall be in full force and effect from and after its passage.

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## CHAPTER 31.

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AN ACT TO AMEND SECTION 3850, COMPILED LAWS OF NEW MEXICO, 1897, RELATING TO PROCEEDINGS FOR CONDEMNATION. *H. B. No. 3; Approved March 11, 1903.*

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### CONTENTS.

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Sec. 1. Sub-division second, Section 3850, Compiled Laws of 1897, regarding service of notice in condemnation proceedings, Amended.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That the second sub-division of section 3850 of the Compiled Laws of New Mexico of 1897, be and the same is hereby amended to read as follows:

“Second. If the person on whom such service is to be made

resides out of the territory and has a duly authorized agent residing in the territory, such service may be made on such agent, or on such person personally out of the territory; or it may be made by publishing the notice stating briefly the application and giving a description of the land to be taken, in some paper of general circulation printed in the county in which the land to be taken is situated, and if no paper is printed in the county in which such land is situated, then the paper published nearest to such county, once in each week for four weeks previous to the presentation of the petition; and if the residence of such person residing out of this territory is known, or can by reasonable diligence be ascertained, the company must in addition to such publication as aforesaid, deposit a copy of the petition and notice in the postoffice properly folded and directed to such person to the postoffice nearest his place of residence two weeks before presenting such petition to the court, and pay the postage chargeable thereon, to the United States."

Sec. 2. That this act shall be in force and effect from and after its passage.

## CHAPTER 32.

AN ACT RELATIVE TO COMMUNITY DITCHES OR ACEQUIAS AND TO AMEND AND REPEAL CERTAIN SECTIONS OF THE COMPILED LAWS OF THE TERRITORY OF NEW MEXICO OF 1897 WITH REFERENCE THERETO. *H. B. No. 26; Approved March 11, 1903.*

### CONTENTS.

- Sec. 1. Section 9, Compiled Laws of 1897, regarding officers of acequias, election and duties. Amended.
- Sec. 2. Section 10, Compiled Laws of 1897, regarding qualifications of voters for officers of acequias, Amended.
- Sec. 3. Section 11, Compiled Laws of 1897, regarding duties of officers of acequias. Amended.
- Sec. 4. Owners of acequias to labor as required by mayordomo. Penalty.
- Sec. 5. Commissioners of acequias may exempt persons from labor.
- Sec. 6. Interference with acequias. Penalty.
- Sec. 7. Compensation of mayordomo and commissioners.
- Sec. 8. Mayordomo. Penalty for neglect of duty.
- Sec. 9. Commissioners. Penalty for neglect of duty.
- Sec. 10. Appeal from justice of the peace court.
- Sec. 11. Judges of election for acequia officers in counties of first class.
- Sec. 12. Sections 12, 13, 30, 31, 32, 33, 34, 35 and 36, Compiled Laws of 1897, regarding management and control of acequias, Repealed.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 9 of the Compiled Laws of the

Territory of New Mexico of 1897, be and the same is hereby amended to read as follows:

“Sec. 9. The officers of said community ditches or acequias shall consist of three commissioners and one mayor-domo or superintendent, each of whom shall be the owner of an interest in said ditch or the water therein. Said officers shall be elected annually on the first Monday of October and shall assume the duties of their offices not later than the first Monday of the following November. On or before the first Monday of November aforesaid said commissioners shall organize by the election of one of their number as chairman, another as secretary, and the other as treasurer. The mayor-domo and the treasurer, separately, shall each give a bond to the territory in a sum to be fixed by said commissioners. The condition of said bonds to be for the accounting of all moneys coming into their hands by virtue of their respective offices and for the faithful performance of their respective duties. Two commissioners shall constitute a quorum and be a full board for the transaction of business at all times. In the event of a vacancy in the office of a mayor-domo the commissioners shall immediately appoint a mayor-domo or superintendent to hold office until his successor is elected and qualified. In case of a vacancy in the office of a commissioner, the other two commissioners and the mayor-domo, or any two of them, shall immediately appoint his successor who shall immediately thereafter qualify and hold his office until his successor is qualified. In case of the joint vacancy of two or more commissioners, a majority of the owners of the water rights in said ditch shall immediately appoint their successor who shall qualify and hold office as herein provided.”

Sec. 2. That section 10 of the Compiled Laws of New Mexico of 1897, be and the same is hereby amended so as to read as follows: “Section 10. The election for acequia or community ditch officers, under this act, shall be held by the outgoing commissioners, under written rules and regulations to be prescribed by them. Only those having water rights in the acequia or ditch shall be allowed to vote, but votes may be cast by written proxy. All votes shall be in proportion to the interest of the voter in the ditch or water, or in proportion to the number or amount of his water rights, which for election purposes, shall never exceed the lands under irrigation the outgoing year. They shall canvass the votes cast and shall record and publicly announce the result of the election within twenty-four hours after the close of the same. Contests, if any, shall be commenced and conducted as now provided by law in the case of general elections for county

officers, but the notice of contest shall be filed within fifteen days after the result of the election is announced as herein required."

Sec. 3. That section 11 of the Compiled Laws of New Mexico of 1897, be and the same is hereby amended to read as follows:

"Sec. 11. The commissioners shall assess fatigue work or tasks of all parties owning water rights in said community ditches or acequias and shall regulate the price to be paid in lieu of said fatigue work, all of which shall be uniform. They shall also be the representatives of said acequias in all civil cases for or against the same. The mayordomo or superintendent shall be the executive officer of said ditch and have the superintendence of all work thereon and of the distribution of the waters thereof, with the collection of fines, if any, and of the amounts to be paid in lieu of fatigue or task work: *Provided*, that he shall turn over to the treasurer of said ditch all moneys thus received, taking his receipt therefor: *Provided however*, that with the consent and approval of the chairman of the commissioners of said ditch, he may retain of the moneys by him thus collected such sums as are necessary to pay for fatigue work as well as repairs necessary to be made upon said ditch or any bridges, flood gates, boxes or dams necessary to be constructed or repaired. He may also, with the consent and approval of a majority of the commissioners, use of the moneys in the treasury such sums as are necessary for such purposes, drawing his approval warrant against the treasurer of said ditch commissioners whose duty shall be to cash the same and mark such warrants "paid" and report them to the commissioners for cancellation and destruction. Said mayordomo shall make full written reports of all moneys received, expended and how expended and of all his doings as such officer, to the commissioners of said ditch, semi-annually, on the first Monday in June and the last Monday of September: *Provided further*, that the mayordomo shall make such further reports as may be required by said ditch commissioners. The treasurer of said ditch commissioners shall make such reports to the ditch commissioners of the moneys received, expended and how expended, and kept in his custody as such treasurer and of all his doings as such officer as are herein required of the mayordomo. The commissioners shall receive and pass upon the reports of the mayordomo and the treasurer herein provided for before their term of office expires and if the same are found to be true and correct they shall approve them, otherwise they shall reject them, respectively. All proceedings of the commissioners relating to all subjects whatever shall be reduced



to writing in a book or books kept for that purpose and all books and papers so kept by said commissioners and all reports made, filed or kept as herein required shall always be and remain public property, and shall be subject to the inspection of all persons therein concerned."

Sec. 4. The owners of said community ditches or their lessees or representatives shall labor therein in proportion to their lands under cultivation. It shall be their duty to furnish the number of laborers, proportionate to their lands, required by the mayordomo, at the time and place he may designate for the purposes mentioned in the foregoing section, and for the time he may deem necessary. If any person thus required shall wilfully neglect or refuse to comply with such requirements of the mayordomo, after having been duly notified by the mayordomo or his agent, he shall be fined, for each offense, in a sum not exceeding five dollars (\$5.00), for the benefit of said ditch or acequia, which shall be recovered by the mayordomo in a summary way, and in case of default in the payment of said fine, it may be recovered by the mayordomo before any justice of the peace in the county, within fifteen days after such default, and in such cases, the mayordomo may be a competent witness to testify therein.

Sec. 5. In cases of inevitable accidents, such as continual and prolonged droughts, tempests or floods, producing the total or very material failure of crops or expectant crops, the commissioners may, in their discretion, totally or partially exempt the person or persons thus situated from the requirements of the foregoing section relative to continuous labor for lands under cultivation as the circumstances of the case may require. Such exemption or exemptions shall be consistent with the facts and circumstances of the premises and shall not extend to lands thereafter irrigated. Such action by said commissioners shall be reduced to writing and shall become a part of their records.

Sec. 6. If any person shall, during the time of cultivation, contrary to the order of the mayordomo, cut, break, stop up, interfere with or in any manner disturb said acequia or acequias, or contra or lateral acequia thereof or take or use water from the same, contrary to such orders, he may if he is an owner or lessee be fined by the mayordomo, for each offense, in a sum not exceeding twenty-five dollars (\$25.00) recoverable as prescribed in section 4 of this act. And in case such transgressor or transgressors are not owners or lessees in said ditch or its waters, then each such offender shall be deemed guilty of a misdemeanor and shall upon conviction thereof before any justice of the peace in the county where such offense is committed, be punished by a fine in a sum not

exceeding fifty dollars (\$50.00) or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment, at the discretion of the court trying the case.

Sec. 7. The mayordomo shall receive such compensation for his services as may be mutually fixed between him and a majority of the owners of said ditch. The commissioners shall receive such compensation as may be mutually fixed between them and a majority of the owners of said ditch and upon failure to so fix such compensation, then they shall receive such compensation as is now provided by law.

Sec. 8. If any mayordomo of any community ditch or acequia, after having undertaken to serve as such, shall wilfully neglect or refuse to perform any of the duties of his office, or conduct himself with impropriety or injustice in his office as mayordomo, or take any bribe in money, property or otherwise as inducement to act improperly, he shall, upon conviction before any justice of the peace within the county where such offense is committed, be punished by a fine not exceeding fifty dollars (\$50.00) or by imprisonment in the county jail not exceeding thirty days or by both such fine and imprisonment, at the discretion of the court or jury trying the case.

In case of a fine being recovered as herein provided, half of the same shall go to the school fund and the other half to the general fund of the county where the offense is committed.

Sec. 9. Any wilful neglect of his duties or abuse of his powers by any ditch commissioner shall be deemed a misdemeanor and any such commissioner, upon conviction thereof before any justice of the peace within the county where such offense is committed, shall be fined in a sum not exceeding twenty-five dollars (\$25.00) recoverable in the manner now provided by law.

Sec. 10. In all cases of conviction under this act, when the fine assessed by the justice of the peace is the sum of three dollars (\$3.00) or less, an appeal shall be granted to the district court only when all the accrued costs shall have been paid; which appeal shall be taken and conducted as all other appeals from the decision of justices of the peace.

Sec. 11. That in counties of the first class in the territory, the judges of election for community ditch officers shall be appointed by the board of county commissioners of the county, and shall serve gratis and in such elections only the owners or lessees of lands irrigated under said ditches shall be allowed to vote and only one vote shall be allowed to each voter notwithstanding the quantity of land owned and irri-

gated and notwithstanding that such community ditches are considered as bodies corporate.

Sec. 12. That sections 12, 13, 30, 31, 32, 33, 34, 35 and 36, Compiled Laws of 1897, and all laws and parts of laws in conflict with this act be and the same are hereby repealed and this act shall be in force and effect from and after its passage: *Provided*, none of the parts or provisions of this act or any section thereof shall apply or be construed to be in force or effect in any of the following counties, viz: Doña Ana, Grant, Otero, Luna, Lincoln, Chaves, Eddy, Santa Fe, San Miguel, Mora, Guadalupe, Colfax, Union, Taos, Rio Arriba, San Juan, Quay, McKinley, Roosevelt or Valencia.

## CHAPTER 33.

AN ACT ESTABLISHING THE LAW AND PROCEDURE IN CERTAIN CASES. *H. B. No. 155; Passed over veto, March 11, 1903.*

### CONTENTS.

- Sec. 1. Civil procedure in personal injury cases. Person injured to file affidavit when. Case to be dismissed when. Proviso.
- Sec. 2. On petition district court may issue summons for person injured to appear in court and file complaint. Procedure when person summoned fails to answer.
- Sec. 3. Unlawful to begin action in any other state or territory. Procedure in case such action has been begun.
- Sec. 4. When action begun in any other state or territory district court may issue injunction.
- Sec. 5. Provisions of this chapter not to apply in case process cannot be served in this territory.
- Sec. 6. Claim for damages may be compromised.

Whereas, It has become customary for persons claiming damages for personal injuries received in this territory to institute and maintain suits for the recovery thereof in other states and territories, to the increased cost and annoyance and manifest injury and oppression of the business interests of this territory and the derogation of the dignity of the courts thereof;

*Therefore, Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Hereafter there shall be no civil liability under either the common law or any statute of this territory on the part of any person or corporation for any personal injuries inflicted or death caused by such person or corporation in this territory, unless the person claiming damages therefor shall within ninety days after such injuries shall have been inflicted make and serve upon the person or corporation

against whom the same is claimed, and at least thirty days before commencing suit to recover judgment therefor, an affidavit which shall be made before some officer within this territory who is authorized to administer oaths, in which the affiant, shall state his name and address, the name of the person receiving such injuries, if such person be other than the affiant, the character and extent of such injuries in so far as the same may be known to affiant, the way or manner in which such injuries were caused in so far as the affiant has any knowledge thereof, and the names and addresses of all witnesses to the happening of the facts or any part thereof causing such injuries as may at such time be known to affiant, and unless the person so claiming such damages shall also commence an action to recover the same within one year after such injuries occur, in the district court of this territory in and for the county in which such injuries occur, or in and for the county of this territory where the claimant or person against whom such claim is asserted resides, or, in event such claim is asserted against a corporation, in the county in this territory where such corporation has its principal place of business; and said suit after having been commenced shall not be dismissed by plaintiff unless by written consent of the defendant filed in the case, or for good cause shown to the court; it being hereby expressly *provided* and understood that such right of action is given only on the understanding that the foregoing conditions precedent are made a part of the law under which right to recover can exist for such injuries, except as herein otherwise provided.

Sec. 2. Whenever any person or corporation shall file a petition in the district court of this territory for the county in which said petitioner lives, or, if a corporation, in the district court for the county in which such corporation has its principal place of business, stating in effect that such petitioner is informed and believes that some party named in said petition claims that he is entitled to damages from said petitioner for personal injuries inflicted in this territory upon the party named in said petition or for personal injuries inflicted upon or death caused to some other person for which such party claims to have a cause of action against said petitioner, and stating as near as may be the general character of such injuries and the manner and the date said party claims they were inflicted and the place where he claims they were inflicted as near as petitioner knows or is informed as to such facts, and praying that the said party may be required to appear in said court and file therein a statement of his cause of action in the form of a complaint against said petitioner, summons shall issue out of said court and be served and re-

turnable as other process, commanding and requiring the said party named in said petition to appear in said court and file such statement in the form of a complaint against said petitioner, if he has to make, and upon such complaint being filed by such party as required, the defendant named therein may demur to or answer the same and such further pleading had as the parties may be entitled to or as may be meet and proper as in other cases of a similar character, and from thence forward such further proceedings shall be had in such cause as in other cases and the same shall be determined upon its merits and final judgment subject, however, to appeal or writ of error, shall be rendered therein either for the petitioner named in said complaint or for the adverse party, and if the court finds the petitioner guilty of any of the wrongs, injuries or trespasses complained of against him in said statement, such damages shall be assessed against the said petitioner as the law and the facts may require, in the same manner as though said cause had been instituted by the filing of said statement as a complaint.

In event said party complained of in said petition, after being duly served with such summons, shall fail or refuse to appear or file his said statement as required herein, judgment shall be rendered by default against him and in favor of the petitioner as in other cases, and thereupon the court shall try and determine the issues raised by such petition including the question as to whether or not the petitioner is liable to said party on account of any of the matters or things stated in said petition in any sum of money whatsoever, and, if so, in what amount, and final judgment shall be rendered in accordance with the facts and the law, and such judgment as the court may render shall be final and conclusive upon the question of the liability or non-liability of said petitioner to said party, and of the amount of the liability.

Sec. 3. It shall be unlawful for any person to institute, carry on or maintain any suit for the recovery of any such damages in any other state or territory, and upon it being made appear to the court in which any proceeding has been instituted in this territory as herein provided, that any such suit has also been commenced, or is being maintained in any other state or territory, contrary to the intent of this act, it shall be the duty of the court to set down for hearing and try and determine the proceeding so pending in this territory as expeditiously as possible, upon such short notice to the other party thereto or his attorneys as the court may direct; and for the purpose of trying the same said court shall have the power to compel the parties thereto to plead or answer on such short day as it may determine, and in event

the same is triable by jury it shall be the duty of the court, upon motion, to change the venue thereof to such county in said district as in the opinion of the court will afford an opportunity for the most speedy hearing; but in event such action is not triable by jury, then the court shall immediately proceed to try and determine the same, giving such reasonable notice as it may determine, to the parties or their attorneys, at any place in the territory which the court may designate, and witnesses may be compelled by subpoena to attend such place personally, from any part of the territory, and testify, as at present, at such time and place. The institution of any such suit in any other state or territory shall be construed by the court as a waiver upon the part of the party so instituting the same of the right of trial by jury in the case pending in the courts of this territory.

Sec. 4. Whenever it shall be made to appear to the district court of this territory for the county in which petitioner or plaintiff lives, by any petition filed under section 3 hereof, or by a supplemental petition, or by an original complaint filed for that purpose, that petitioner or plaintiff fears or has good reason to fear that any other person is threatening or contemplating instituting suit in some other state or territory to recover damages against petitioner or plaintiff for personal injuries inflicted or death caused in this territory, or that he has already instituted and is then maintaining such a suit, it shall be the duty of the court upon such bond as the court may require being given, to issue its injunction *pendente lite* restraining such party from instituting or maintaining such suit in any court sitting in any other state or territory, and, at the final hearing, if such facts are found by the court to be true, the court shall make such injunction perpetual; and at the final hearing in all cases instituted under the provisions of section 3 hereof, the party complained of in the petition shall be perpetually enjoined from further instituting or maintaining any suit or action to recover damages by reason of any of the matters or things set up in said petition.

Sec. 5. This act shall not apply to cases in which the person or corporation against whom damages for personal injuries are claimed can not be duly served with process in this territory.

Sec. 6. Nothing herein contained shall be construed as in any way preventing any one in this territory claiming to have a right of action for any such damages, from compromising such claim.

Sec. 7. All acts and parts of acts and laws in conflict with this act are hereby repealed, and this act shall be in effect from and after its passage.

## CHAPTER 34.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT WITH REFERENCE TO TAXATION BY MUNICIPAL CORPORATIONS." APPROVED MARCH 11, 1899. *H. B.No. 173; Approved March 12, 1903.*

## CONTENTS.

Sec. 1. Section 1, chapter 37, Laws of 1899, regarding municipal corporations constructing water and light plants and taxation. Amended.

Sec. 2. Amendment in section 1 shall apply only to cities having population of six thousand.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 1 of an act entitled "An Act with reference to taxation by municipal corporations," approved March 11, 1899, being chapter 37 of the acts of the 33rd Legislative Assembly of the Territory of New Mexico, (1899), be and the same is hereby amended so that all that part of said section 1, beginning "*Provided, however,* that said last mentioned tax shall not exceed the sum of four (4) mills for water etc.," be and the same is hereby amended so as to read as follows: "*Provided, however,* that said last mentioned tax shall not exceed the sum of four (4) mills for water and one and one-half (1.5) mills for gas or electric lights on the dollar for any one year. *And provided, also,* that all contracts heretofore made by any city or incorporated town with individuals or an incorporated company prior to the passage of this amendment, for the supply of water, gas, electric lights, or an agreed water, gas or electric light rent which may be paid in whole or in part by a special tax as provided for above of not exceeding four (4) mills for water and one and one-half (1.5) mills for gas or electric lights on the dollar for any one year, be and they hereby are ratified, confirmed and validated. *Provided, further,* that no incorporated city or town shall levy an annual tax in excess of eleven (11) mills, for any purpose whatsoever, excepting for interest on bonded indebtedness."

Sec. 2. That this amendment shall apply to cities having a population according to the last census of six thousand, and to no other municipal corporations.

Sec. 3. This act shall be in force and take effect from and after the date of its passage, and all acts or parts of acts in conflict herewith are hereby repealed.

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CHAPTER 35.

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AN ACT ENTITLED "AN ACT TO AMEND SECTION 16 OF CHAPTER 81 OF THE LAWS OF 1901, RELATING TO THE APPOINTMENT OF EXECUTORS AND ADMINISTRATORS." *H. B. No. 154; Approved March 12, 1903.*

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CONTENTS.

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Sec. 1. Section 16, chapter 81, Laws of 1901, regarding persons not qualified to act as executor or administrator. Amended.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Section 16 of chapter 81 of the Session Laws of 1901 is hereby amended by striking out after the word "turpitude" the words "or a married woman."

Sec. 2. All acts and parts of acts in conflict with this act are hereby repealed and this act shall be in full force and effect from and after its passage.

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CHAPTER 36.

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AN ACT TO EXTEND THE PROVISIONS OF AN ACT OF THE 35TH LEGISLATURE ENTITLED "AN ACT IN RELATION TO MAYORS OF CITIES AND TO OTHER OFFICERS," APPROVED FEBRUARY 28, 1903, TO ALL CITIES OF THE TERRITORY, WHETHER INCORPORATED UNDER GENERAL OR SPECIAL LAWS. *H. B. No. 163; Approved March 12, 1903.*

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CONTENTS.

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Sec. 1. Provisions of chapter 9, Laws of 1903, regarding mayors of cities, extended to all cities of the territory.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That the provisions of an act of the 35th Legislature entitled "An Act in relation to mayors of cities and to other officers," approved February 28, 1903, be and the same are hereby applied and extended to all cities in the Territory of New Mexico, whether incorporated under general or special laws.

Sec. 2. That this act shall be in full force and effect from and after its passage.



## CHAPTER 37.

AN ACT TO PROVIDE FOR PUBLIC SCHOOL HOUSES FROM THE SURPLUS IN GENERAL SCHOOL FUNDS. A. H. B. No. 87;  
*Approved March 12, 1903.*

## CONTENTS.

- Sec. 1. Directors may use surplus in general school fund to construct school buildings.  
Sec. 2. Surplus fund. Available when. Duties of county superintendents, territorial treasurer and school directors.  
Sec. 3. Provision when surplus not sufficient to complete buildings.  
Sec. 4. Insurance of school buildings.  
Sec. 5. Failure of officers to carry out the provisions of this act. Penalty.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That whenever there shall be a surplus in the general school fund in the county treasury to the credit of any school district in the territory, outside of incorporated towns and cities, to the amount of not less than two hundred dollars (\$200.00) after all the expenses of maintaining the schools in said district for teachers' salary, rent, and other expenses connected therewith, the said surplus or any part thereof, may be withdrawn by the directors of said school district and applied by them to the procuring of a suitable site and the erection thereon of proper school buildings or for the repairing of any school building or buildings for the use of such school district, in the manner following.

Sec. 2. That whenever a petition signed by one-half of the legal voters of such school district described in section 1 of this act, as shown by the number of votes cast in said district or precinct at the last general election, shall be presented to the county school superintendent, praying that such surplus money described in section 1 of this act may be turned over to the school directors of such school districts for the purpose of procuring a site and erecting school building or buildings, thereon, then it shall be the duty of said county school superintendent within ten days after the receipt of the said petition, to forward the same to the county treasurer, who shall file the said petition and safely keep the same among the records and archives of his office, and it shall be the duty of said county treasurer to at once notify the school directors of such school district of the amount of money then on hand, subject to be withdrawn for the purposes named; and thereafter the said treasurer shall honor and pay all warrants drawn by such school directors against such surplus fund for the purchase of site and erection of school

houses thereon, when the same are accompanied by itemized and verified accounts and vouchers until the said surplus is exhausted, and it shall be the duty of the school directors to open proper books of account with the said fund, and enter therein all receipts and disbursements on account of such fund; and it shall be their further duty to take from persons to whom money may be due on this account, itemized and verified bills in duplicate, one of which shall be retained by said board of directors, and the other shall be transmitted with the warrant drawn in payment thereof to the county treasurer of the county in which said district is located. And the said school directors shall in no event and under no pre-text contract for or incur obligations on such account beyond the amount of money available in the county treasury for such purposes, nor shall they under any circumstances incur any debt in the erection of such school house, or houses, or improvement or repair thereof except as provided in sections 1542 and 1543 of the Compiled Laws of 1897.

Sec. 3. In case there shall not be sufficient surplus moneys on hand to purchase a site and complete the building or buildings contemplated by the school directors under this act they are hereby authorized to procure the site for school purposes and to commence the erection of such building or buildings as they may deem necessary and proper for the purposes herein named, and shall carry on the construction thereof, so far as the moneys on hand for that purpose will permit, as hereinbefore provided, and in case the term of office of any such school directors or any member thereof shall expire, before the said buildings are completed, it shall be the duty of their successor or successors to proceed with the work in the manner herein provided until such work is completed.

Sec. 4. The board of directors of any school district is empowered to expend, from the funds in the treasury of said school district, any moneys necessary to properly insure any school building or buildings in such school district.

Sec. 5. Any failure of any of the officers mentioned in this act to carry out its provisions in the letter and the spirit of this act, shall subject such officers to removal and to a forfeiture of their official bond for the benefit of such school district so injured thereby, and any school directors so offending, shall be disqualified to become his own successor in office either by election or by appointment for a period of one year from date of such removal.

Sec. 6. All acts or parts of acts in conflict herewith, are hereby repealed, and this act shall take effect and be in force thirty days after its passage.

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CHAPTER 38.

AN ACT REQUIRING COUNTY OFFICERS IN THIS TERRITORY TO ESTABLISH AND MAINTAIN THEIR OFFICES IN THE COUNTY SEAT OF THEIR RESPECTIVE COUNTIES. *H. B. No. 152; Approved March 12, 1903.*

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CONTENTS.

Sec. 1. County offices to be maintained at county seat.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That the offices of county officers, in this territory shall be established and maintained in the county seat; so it shall be illegal to hold or maintain said offices outside of the place which is required in this section.

Sec. 2. That all laws or parts of laws in conflict or inconsistent herewith are hereby repealed, and this act shall be in full force and value from and after its passage.

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CHAPTER 39.

AN ACT RELATIVE TO COMPULSORY EDUCATION AND TO AMEND SECTION 1555, COMPILED LAWS OF 1897. *H. B. No. 102; Approved March 12, 1903.*

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CONTENTS.

Sec. 1. Section 1555, Compiled Laws of 1897, regarding compulsory school attendance and duties of school directors. Amended.

Sec. 2. Parent or guardian failing to send children to school. Penalty. Indigent pupils to be supplied with books. Proviso.

Sec. 3. County superintendents to have supervisory powers. Duties of district judges and district attorneys.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 1555, original school statute of 1891, as it appears in the Compiled Laws of 1897, is hereby amended to read as follows, viz: "That the school directors or board of any school district, town or city in this territory are hereby empowered and required to compel parents, guardians or other persons having the control, care or direction of children, when such children do not attend some private or denominational school, to send such children under their control to the public school for at least three months in each year, except that children referred to in this act shall be not less than seven nor more than fourteen years of age,

or of such physical disability as to unfit them for school duties, which disability shall be certified to by some regular practicing physician."

Sec. 2. Any parent, guardian or other person having the control of children and who shall fail or refuse to send such children to school as required by this act, after the clerk of the school district or the clerk of any town or city school board shall have given public notice containing the substance of this act, written or printed in both English and Spanish, by posting same in some conspicuous place at three separate points within the district, or publishing the same in some newspaper within the district, shall be punished upon conviction thereof by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), or by imprisonment for not more than ten days in any county jail: *Provided*, that if such parent or guardian is not able, by reason of poverty, to buy books for any such child, it shall be the duty of the school board of any town, district or city, upon the facts being shown to the satisfaction of a majority thereof, to purchase, through the county superintendent or through the district, town or city superintendent, if there be one, the necessary books for the use of said child or children, which books shall be loaned to said indigent pupil during the school term, yet shall remain the property of the district under the care and custody of the district clerk: *Provided, further*, that a sum not exceeding fifty dollars (\$50.00) may be expended in any district in any one year for supplying indigent children with such necessary books, to be paid for out of the school fund of such district, by warrants drawn as in other cases; and, *Provided, also*, that there is no school taught within two miles of the place of residence of said child by the nearest established road.

Sec. 3. County superintendents are hereby vested with general supervisory powers in this matter and shall require directors to comply with the provisions of the preceding section; and it shall be the duty of the presiding judge of the district courts to give, at each session of the court, the substance of this law as a special charge to their respective grand juries, and it is made the duty of the district attorneys to give particular heed to the prosecution of causes growing out of violations of this act; and all fines so collected for the violation of this act shall be paid into the county treasury and placed to the credit of the school district in which the offense occurs.

Sec. 4. All laws and parts of laws in conflict herewith are hereby repealed; and this act shall take effect and be in force in thirty days after its passage and approval by the governor.

## CHAPTER 40.

AN ACT TO AMEND CHAPTER 18 OF THE LAWS OF NEW MEXICO OF 1901. *H. B. No. 36; Approved March 12, 1903.*

## CONTENTS.

- Sec. 1. Board of health established. Appointed by the governor. Term of office.  
 Sec. 2. Officers of the board. Special meetings may be called.  
 Sec. 3. Shall grant licenses to graduates of recognized medical colleges. Officers to administer oaths. Penalty for false swearing. Temporary license.  
 Sec. 4. Certificates to be recorded in office of probate clerk.  
 Sec. 5. Board shall not license and may revoke license of any person guilty of immoral, dishonorable or unprofessional conduct.  
 Sec. 6. Words "practice of medicine" defined. Proviso.  
 Sec. 7. Fees to be collected.  
 Sec. 8. Itinerant venders of drugs and nostrums to pay monthly license. Penalty.  
 Sec. 9. Board may license licentiates of other states and territories. Violations of law. Penalty.  
 Sec. 10. Distribution of fines and fees. Expenses. Treasurer to give bond. Duties of secretary and treasurer.  
 Sec. 11. Board to make all rules and regulations.  
 Sec. 12. Section 3, chapter 18, Laws of 1901, regarding granting of licenses, Repealed.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section. 1. That a board of health is hereby established which shall be known as the New Mexico Board of Health, and be composed of seven reputable physicians of known ability who are graduates of medical schools of good standing, who are registered practitioners in, and who are bona fide residents of New Mexico. The governor of New Mexico shall appoint the members of said board, and shall fill any vacancies occurring therein, and shall remove from said board any member who fails to fully perform his duties on said board. The members of said board shall be appointed for a term of two years, and qualify as the board of regents of the University of New Mexico is required to do.

Sec. 2. The board shall organize and select one of its members as president, one as vice-president, one as secretary, and one as treasurer, within four months after the appointment of its members. Said board shall hold meetings in the City of Santa Fe, in the capitol building, in the rooms provided for it by the capitol custodian committee, on the first Mondays of each and every June and December. Said board may hold a special meeting in cases of emergency, said special meeting to be called by the president of the board, and the object of the meeting fully stated. A majority of the members of this board shall constitute a quorum for the transaction of all business.

Sec. 3. The said board shall, upon the production of evi-

dence satisfactory to it, license any reputable person who is a graduate of a medical college in good standing, as defined by this act, to practice medicine, surgery and obstetrics in New Mexico. A medical college in good standing for the purposes of this act is declared to be one of at least ten years continuous existence, one which now requires a high school certificate or its equivalent, for admission to it, and one which now or hereafter requires an attendance on, and gives, four full courses in four separate years, and one which has ample clinical facilities such as are furnished in large cities. And said board shall at its December meeting in each year prepare and cause to be printed and distributed for the information of those interested, a copy of this law and a list of the medical colleges in the United States of America recognized by it to be in good standing under this section. And such board shall recognize any honorary or emeritus degree conferred upon any eminent foreigner by any such college as fully and to the same extent as if the applicant were a regular graduate thereof. The president and secretary of said board shall be and are hereby empowered to administer oaths to applicants and all witnesses and others appearing before said board in any application or proceeding provided for herein, and any person making a false oath or affidavit before said board, shall be guilty of perjury, and be subject to punishment for that crime. The secretary of said board shall issue a temporary license to any person complying with the provisions of this act, who has paid the fee to the secretary.

Sec. 4. Every person holding a certificate of said board of health, shall have the same recorded in a book provided for that purpose in the office of the probate clerk of the county wherein the practitioner resides, within thirty days after said certificate is issued, and the date of the recording shall be endorsed on said certificate. Said certificate, or a copy of the registration, must be again recorded in any county to which the practitioner may remove permanently. And the fact that no such certificate shall be found recorded in the county where any person is practicing or offering to practice medicine shall be accepted by the court as *prima facie* evidence that no such certificate has been issued, and shall throw the burden of proving that he has a certificate upon the defendant in any suit or prosecution begun against him for the violation of the provisions of this act.

Sec. 5. It is hereby made the duty of this board to refuse to license any person guilty of immoral, dishonorable or unprofessional conduct, and said board shall also revoke and annul any certificate, which has been issued by said board, or by any previous board, upon satisfactory proof being made to

the said board, that the holder of said certificate or diploma has been guilty of immoral, dishonorable or unprofessional conduct. Five days' notice shall be given in writing to the person accused of improper conduct with a copy of the charge against him, requiring him on a day named to appear before the board, and show cause why his license should not be revoked or cancelled. When any such license has been revoked or cancelled by said board, the said board shall send notice in writing under the hand of the secretary, which notice shall be filed for record and recorded in the book in which the physicians' licenses are recorded, in the office of the probate clerk of the county in which the person, whose license has been revoked, resides. Any person whose certificate has been revoked or cancelled by said board, under the provisions of this act, who shall hereafter practice or attempt or offer to practice medicine in New Mexico, shall thereby become guilty of a misdemeanor and shall be punished as provided in section 9 of this act.

Sec. 6. For the purposes of this act the words "practice of medicine" shall mean to open an office for such purpose or to announce to the public or to any individual in any way, a desire or willingness or readiness to treat the sick or afflicted, or investigate or diagnose, or offer to investigate or diagnose, any physical or medical ailment or disease of any person, or to suggest, recommend, prescribe or direct, for the use of any person, any drug, medicine, appliance or other agency, whether material or not material, for the cure, relief or palliation of any ailment or disease of the mind or body, or for the cure, or relief, of any wound, fracture or bodily injury or deformity, after having received, or with the intent of receiving therefor, either directly or indirectly, any bonus, gift or compensation.

*Provided*, that nothing in this act shall be construed to prohibit gratuitous services in cases of emergency, or the domestic administration of family remedies, or women from practicing midwifery, and this act shall not apply to surgeons of the United States in the discharge of their official duties.

Sec. 7. Each applicant for a license to practice medicine in New Mexico shall pay to the secretary of this board a fee of twenty-five dollars (\$25.00).

Sec. 8. Any vender, except licensed druggists, of any drug, nostrum, ointment or appliance of any kind intended for the treatment of disease or injury or who shall, by writing or printing, or any other method, profess to cure or treat disease or deformity by any drug, nostrum, manipulation or other expedient, shall pay a license of one hundred dollars (\$100.00) per month into the treasury of said board, upon

which said payment, such vender shall be licensed by said board to sell drugs, nostrum, medicines and ointments. And any person so vending or attempting to sell either from his home or office or from vehicles or by travelling through the country, on foot or horseback, any such drugs, medicines or ointments, without paying such license, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed one hundred dollars (\$100.00) or imprisonment in the county jail not to exceed ninety days, or by both such fine and imprisonment, in the discretion of the court.

Sec. 9. Upon payment to the board of the fees provided for in section 7 of this act said board may grant licenses to licentiates of other states and territories, which have like requirements as this act provides for, and when said states and territories also honor our licenses or certificates, to the same extent as they now recognize our licenses and no further. Any person who shall practice medicine, or attempt to practice medicine, without first complying with the provisions of this law, and without being the holder of a certificate entitling him to practice medicine in New Mexico, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars (\$100.00), or imprisonment in the county jail not to exceed ninety days, or by both such fine and imprisonment, in the discretion of the court.

Sec. 10. One-half of every fine collected under the provisions of this act, shall go and be paid by the court in which conviction is had, to the sheriff, deputy sheriff, constable or other person who makes complaint, and arrests and causes to be prosecuted, the person so convicted. The other half of all such fines and all fees herein provided to be paid, shall go and be the property of the said board of health and shall be by the treasurer of said board kept in some bank designated by said board. He shall give bond to the board in the sum of one thousand dollars (\$1,000.00) conditioned for the faithful performance of his duty as treasurer, and that he shall pay over any and all sums of money received by him as such upon the proper order therefor. Such bond shall be given by some fidelity or surety company authorized to do business in this territory, and the premium paid therefor, shall be paid by the board as one of its necessary expenses. All the expenses of the members of said board necessarily and properly incurred in attending the sessions of said board, and for necessary supplies, shall be paid out of the said fund upon the order of the president and the secretary of said board. The treasurer of the board shall keep a correct and itemized account



of all moneys received, and disbursed, and shall make a report to the board at each meeting. The secretary of said board is required to report the doings and proceedings of said board, together with the amount of all moneys by it received and disbursed, and on what account, with items, on the first day of December in each year, to the governor of New Mexico.

Sec. 11. Said board of health is hereby authorized and empowered to make all necessary rules and regulations for carrying out the provisions of this act.

Sec. 12. Section 3 of chapter 18 of the Session Laws of 1901, and all acts and parts of acts in conflict with this act are hereby repealed, and this act shall take effect and be in force thirty days after its passage.

## CHAPTER 41.

AN ACT PROVIDING THE PROCEDURE BY WHICH CITIES SHALL OBTAIN TITLE TO PRIVATE PROPERTY BY CONDEMNATION.  
*C. B. No. 32; Approved March 12, 1903.*

### CONTENTS.

Sec. 1. Sub-section 92nd, section 2402, Compiled Laws of 1897, regarding proceedings to obtain condemnation, Amended.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 2 of chapter 3 of the Acts of the Legislative Assembly of the year 1891, being sub-section ninety-second of section 2402 of the Compiled Laws of 1897, be and it is hereby amended so as to read as follows:

“Ninety-second. That proceedings to obtain such condemnation shall be in all respects the same as now provided by law for the condemnation of land for railroad purposes.”

## CHAPTER 42.

AN ACT EMPOWERING CITIES TO GRADE AND IMPROVE STREETS AND ASSESS THE COST THEREOF AGAINST ABUTTING PROPERTY. *A. C. B. No. 31; Approved March 12, 1903.*

### CONTENTS.

Sec. 1. City councils and boards of trustees of towns and villages to have power to order improvement of streets. Engineer to make estimate of cost.

Secs. 2 and 3. Engineer to file report Owners of property may appear before council or board of trustees. Notice of meeting to be published.

Sec. 4. Council or board of trustees to advertise for bids, and let contract.

Sec. 5. Assessment on abutting property.

Sec. 6. Assessment on abutting property to be a lien on same. Claim of lien to be recorded.

Sec. 7. Lien to bear interest. May be sold, assigned or foreclosed.

Sec. 8. Destruction of buildings. Must be approved by district judge. Compensation.

Sec. 9. Sub-section 82nd, section 2402, Compiled Laws of 1897, regarding levying of assessments for street improvements, Repealed.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That whenever the city council of any city, whether incorporated under general or special laws, or the board of trustees of any town or village in the Territory of New Mexico shall be of the opinion that the interests of said city require that any street or alley, or any part thereof, within the limits of said city, be graded, gravelled, paved, macadamized or in any manner improved, such city council or board of trustees shall make a provisional order to the effect that such street or alley or part thereof shall be so graded, gravelled, paved, macadamized or improved, and shall order the city engineer, or some other competent engineer, to cross-section said street or alley or part thereof and to make an estimate of the total cost thereof, and an estimate of the number of cubic yards of material necessary to be used in the grading thereof, or to be excavated therefrom.

Sec. 2. Upon the filing of the report of such engineer, said city council or board of trustees shall set a time and place at which the owners of property abutting on such street or alley or part thereof so to be improved, or any other persons interested therein, may appear before said city council or board of trustees and be heard as to the propriety and advisability of making such improvements, and as to the cost thereof, and as to the manner of payment therefor, and as to the amount thereof to be assessed against the property abutting thereon. Five days' notice in writing of such time and place shall be given to such property owners, which shall be served by delivering a copy thereof to each of such property owners, if he can be found within said city, town or village, otherwise by delivering a copy thereof to some person residing on such property, or by posting a copy thereof on such abutting property; and notice of the time and place of such hearing shall also be given by publication in some newspaper published in said city, town or village at least three weeks prior to the time thereof; and the officer serving such notices shall make return of the manner of making the same, which shall be filed with the city clerk of said city or recorder of said town or village.

Sec. 3. At the time and place so fixed as aforesaid, any

owner of such abutting property, or any person interested, may appear before said city council or board of trustees and be heard as to the propriety and advisability of making such improvements, and as to the cost thereof and manner of payment therefor, and as to the amount thereof to be assessed against said abutting property.

Sec. 4. After such hearing, said city council or board of trustees shall determine as to the advisability of so grading, gravelling, macadamizing or otherwise improving such streets or alleys or parts thereof and shall determine the kind and character of such improvements so to be made, and shall proceed to advertise for bids for the doing of the work therefor, and shall enter into a contract for the doing of such work and the furnishing of all necessary materials to the lowest bidder.

Sec. 5. After the making of such contract, said city council or board of trustees shall determine what portion of such work shall be paid by such abutting property, and the owners thereof, and shall assess to each lot or parcel of land abutting upon such street or alley or part thereof so to be improved its proportionate share of such total amount.

Sec. 6. The amount so assessed shall be a lien upon such lot or parcel of land from the time of such assessment, and if such amount be not paid within thirty days from and after the completion and acceptance of such work, it shall be the duty of the city clerk of said city or recorder of the town or village to make out, sign, attest with the seal of said city and file for record in the office of the probate clerk and ex-officio recorder of the county in which said city, town or village is located, a claim of lien therefor; and all subsequent purchasers, mortgagees or incumbrancers of such lot or parcel of land, shall take the same subject to such lien.

Sec. 7. Such liens shall bear interest at the rate of eight per cent. per annum from the date of the filing thereof until paid, and after such recording may be sold and assigned to any person for its face value with interest, and may be foreclosed at any time after such recording in the same manner as now provided for the foreclosing of mortgages on real estate.

Sec. 8. In case any proposed improvement shall involve the destruction of any building or other structure, no action shall be taken until the same has been approved by the judge of the district, on notice to the owners interested; and compensation shall be made to the owners of the property destroyed, the amount thereof to be fixed by agreement or proceedings similar to condemnation proceedings by railroad companies.

Sec. 9. That section 3 of chapter 43 of the acts of the Legislative Assembly of the year 1891, being sub-section eighty-second of section 2402 of the Compiled Laws of the year 1897, and all acts and parts of acts in conflict herewith, be, and they are hereby repealed, and this act shall be in full force and effect from and after its passage.

## CHAPTER 43.

AN ACT ENTITLED AN ACT TO AMEND SECTIONS 3721 AND 3722 OF THE COMPILED LAWS OF NEW MEXICO OF 1897. C. B. No. 104; *Approved March 12, 1903.*

### CONTENTS.

Sec. 1. Section 3721, Compiled Laws of 1897, regarding examinations by board of pharmacy. Amended.

Section 3722, Compiled Laws of 1897, regarding fees for registration by board of pharmacy. Amended.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 3721 of the Compiled Laws of 1897 be and the same is hereby amended by adding thereto, at the end of said section: "for which renewal the board of pharmacy shall be entitled to demand and receive the sum of three dollars (\$3.00)." That section 3722 of the Compiled Laws of 1897 be and the same is hereby amended to read as follows: "Sec. 3722. The board of pharmacy shall be entitled to demand and receive from each person whom they register and furnish a certificate as a registered pharmacist, the sum of ten dollars (\$10.00), which shall be in full for all services. In case the examination of said person shall prove defective and unsatisfactory to the board, and he be declined registration, he shall be permitted to present himself for re-examination within twelve months thereafter, and no charge shall be made for such re-examination."

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed and this act shall be in full force and effect from and after its passage.

## CHAPTER 44.

AN ACT TO AMEND SECTION 13 OF THE COMPILED LAWS OF 1897, RELATING TO ACEQUIAS OR DITCHES, AND FOR OTHER PURPOSES. *A. C. B. No. 56; Approved March 12, 1903.*

## CONTENTS.

- Sec. 1. Section 11, Compiled Laws of 1897, regarding duties of mayordomo and commissioners. Amended.
- Sec. 2. Section 13, Compiled Laws of 1897, regarding interference with acequias, penalties, and neglect of duty by mayordomo. Amended.
- Sec. 3. Section 24, Compiled Laws of 1897, regarding appraisers in constructing acequias. Amended.
- Sec. 4. Section 32, Compiled Laws of 1897, regarding labor on acequias, failure to perform labor and penalties. Amended.
- Sec. 5. Sections 36, 37, 38 and 39, Compiled Laws of 1897, regarding management of acequias. Repealed.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 11 of the Compiled Laws of 1897 be amended as follows, to-wit: After the word "acequias" in the third line of said section, insert the following language: "and shall have power to contract and be contracted with and also to make all necessary assessments to provide funds for the payment of the salary of the mayordomo and other legitimate expenses incident to the proper conduct and maintenance of the acequias under their charge, and also to make contracts for obtaining water for irrigating purposes in connection with their ditches, such contracts to be ratified by a vote of a majority of the owners of water rights in said ditches;" and after the words "be fixed by them" in the sixth line of said section, add the following: "and shall, immediately upon taking office, provide by-laws, rules and regulations not in conflict with the laws of the territory for the government of said ditch or acequia, and a printed copy thereof shall be furnished to each owner of a water right in said ditch."

Sec. 2. That section 13 of said Compiled Laws be amended so as to read as follows, to-wit: "Any person, not the owner or duly authorized representative of the owner, of a water-right in said ditch, or any such owner or representative, who shall, contrary to the orders of the mayordomo or commissioners, cut, break, stop up, or interfere with said acequia, or any contra or lateral acequia thereof, or take or use water from the same contrary to such orders, shall be guilty of a misdemeanor, and upon complaint made before the nearest justice of the peace, a warrant shall issue for his arrest, as in

case of any other offense against the territory, and upon conviction the defendant shall be fined in a sum of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), and in default of the payment of said fine shall be confined in the county jail for a period of not less than five nor more than thirty days. And it is hereby made the duty of the mayor-domo of any such acequia, to prosecute in the name of the Territory of New Mexico any violation of this section whenever he shall obtain knowledge thereof, and his failure to do so shall be deemed a misdemeanor, and upon conviction thereof shall be fined in a sum not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00), or by imprisonment in the county jail not less than ten nor more than thirty days."

Sec. 3. That section 24 of said Compiled Laws be amended by striking out the words: "which, once done, shall be executed and without appeal."

Sec. 4. That section 32 of said Compiled Laws, be amended by adding thereto the following, to-wit: "And it shall be their duty when called upon by the mayor-domo, to assist him in stopping breaks in, or removing obstructions from, any such common ditch or acequia, regardless of whether or not they have performed their annual labor thereupon; and failure to respond to such call shall be deemed a misdemeanor, and upon conviction thereof the defendant shall be fined in a sum not less than five dollars (\$5.00) nor more than fifteen dollars (\$15.00), and shall be denied the use of the waters of said ditch until said fine and costs are paid."

Sec. 5. That Sections 36, 37, 38 and 39 of said Compiled Laws be, and the same are hereby repealed.

Sec. 6. This act shall take effect thirty days from the date of its passage.

## CHAPTER 45.

AN ACT TO PROVIDE FUNDS FOR THE PRINTING OF THE RULES OF THE SUPREME AND DISTRICT COURTS OF THE TERRITORY OF NEW MEXICO. *C. B. No. 61; Approved March 12, 1903.*

### CONTENTS.

- Sec. 1. Appropriation for the printing of rules of the supreme and district courts.  
 Sec. 2. Territorial auditor to draw his warrant for amount appropriated. Printing to be let to lowest bidder.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That the sum of one hundred dollars (\$100.00)

or so much thereof as may be necessary, is hereby appropriated out of any funds in the hands of the territorial treasurer, not needed for the payment of the interest on the bonded debt, for the purpose of printing the rules of the supreme and district courts of the Territory of New Mexico.

Sec. 2. The territorial auditor is hereby directed to draw his warrant upon the territorial treasury in payment of all bills presented to him for the printing of the rules of the supreme and district courts, duly approved by the clerk of the supreme court, not to exceed the amount mentioned in section 1 of this act. The printing provided for herein will be let to the lowest responsible bidder.

Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed and this act shall be in full force and effect from and after its passage and approval.

## CHAPTER 46.

AN ACT GROUPING THE SEVERAL COUNTIES OF THE TERRITORY INTO DISTRICTS FOR DISTRICT ATTORNEY PURPOSES AND PROVIDING FOR THE APPOINTMENT OF DISTRICT ATTORNEYS THEREFOR. *A. C. B. No. 84; Approved March 12, 1903.*

### CONTENTS.

Sec. 1. Creation and establishment of district attorney's districts. Appointment of district attorney. Term of office.

Sec. 2. District attorneys. Salary. Duties. Qualification.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. For district attorney purposes in the Territory of New Mexico, the following districts are created and established, viz:

The Counties of Santa Fe, Taos, Rio Arriba, and San Juan shall constitute the first district attorney's district. The Counties of San Miguel, Mora, Guadalupe and Quay shall constitute the second district attorney's district. The Counties of Colfax and Union shall constitute the third district attorney's district. The Counties of Bernalillo, Valencia and McKinley shall constitute the fourth district attorney's district. The County of Socorro alone shall constitute the fifth district attorney's district. The Counties of Luna, Doña Ana, Otero, and Lincoln shall constitute the sixth district attorney's district. The Counties of Grant and Sierra shall constitute the seventh district attorney's district. The Counties of

Chaves, Eddy and Roosevelt shall constitute the eighth district attorney's district. There shall be a district attorney, learned in the law, nominated and by and with the consent of the legislative council appointed by the governor for each of the above named district attorney's districts, by its proper number, each of whom shall be a resident in some one of the counties of the district for which he is so appointed. They shall each hold office for the period of two years from the date of appointment, and until a successor is appointed and qualified, and no person shall be appointed as district attorney, who shall not have been a resident of this territory.

Sec. 2. The district attorneys provided for in this act shall receive from the territory the sum of five hundred dollars (\$500.00) each, and from the several counties in their respective districts the same salary and compensation now provided by law for such officers, and all fees and emoluments now allowed to such district attorneys, and the duties, obligations and responsibilities of such officers and their method of qualification shall be the same as now provided by law for district attorneys.

Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed and this law shall take effect and be in force from and after its passage.

## CHAPTER 47.

AN ACT TO PROVIDE FOR THE MANAGEMENT OF THE LAS VEGAS GRANT, AND FOR OTHER PURPOSES. *C. B. No. 101; Approved March 12, 1903.*

### CONTENTS.

- Sec. 1. District court of San Miguel county to manage and control.
- Sec. 2. Board of trustees to be appointed by district court.
- Sec. 3. Board of trustees. Officers.
- Sec. 4. District court to exercise same control as courts of equity exercise over receivers.
- Sec. 5. Members of board of trustees to give bond.
- Sec. 6. Board of trustees. Compensation.
- Sec. 7. Board of trustees to deliver deeds to persons having good title.
- Sec. 8. Board of trustees. Designation. To make rules and regulations.
- Sec. 9. Board of trustees to have power to lease, sell or mortgage land.
- Sec. 10. All acts of district court confirmed and ratified.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That the district court of San Miguel county, in the Territory of New Mexico, is hereby vested with jurisdiction to manage, control and administer that land claim



known as "The Las Vegas Land Grant," confirmed by the act of congress on the 21st day of June, A. D. 1860, to the town of Las Vegas.

Sec. 2. That said district court shall in the exercise of the jurisdiction hereby conferred upon it, appoint a board of trustees to consist of not less than three nor more than seven persons from among residents upon the land embraced within the exterior boundaries of said Las Vegas Land Grant.

Sec. 3. That said board of trustees, when appointed as hereby provided, shall organize by selecting one of their number as chairman of said board of trustees who shall preside over the meetings of said board, and another, of said board, as secretary, whose duties it shall be to keep and preserve the records and doings of said board of trustees. A majority of said board shall constitute a quorum for the transaction of any and all business coming before said board.

Sec. 4. That the said district court of San Miguel county shall exercise the same control over the said board of trustees, and over the acts and doings of said board of trustees, that courts of equity exercise over receivers appointed by them and over the acts and doings of their receivers.

Sec. 5. That any and all persons appointed by said court as trustee under the provisions of this act, shall give a bond to the Territory of New Mexico conditioned as receiver's bonds are.

Sec. 6. Said trustees shall be paid such reasonable compensation as the said district court shall order or direct.

Sec. 7. This act shall not interfere with or prejudice any vested rights in and to any of the lands embraced within the boundaries of said Las Vegas Grant, or preclude a judicial examination or adjustment thereof, and it is hereby made the duty of said board of trustees to make, execute and deliver deeds of conveyance to any and all persons who hold a title to any such lands, which became or was perfect or entitled them to the possession thereof at the time of the acquisition of New Mexico, under the treaty of Guadalupe Hidalgo, or at any other time subsequent thereto.

Sec. 8. That said board of trustees shall be known and designated as the "Board of Trustees of the Town of Las Vegas," and under that name shall contract and transact all business coming before said board, and said district court is hereby authorized to make and promulgate rules and regulations under and pursuant to which said board of trustees shall conduct and transact all business pertaining to the management, control and administration of said land grant.

Sec. 9. Such board of trustees shall have the power, under the direction of said court, to lease, sell or mortgage any

part or parts of said tract of land, for such price and upon such terms or conditions as may by said court and said board be deemed advisable and use the proceeds thereof for such purposes as said board and court may deem to be for the best interests of the community for the benefit of which said grant was made.

Sec. 10. That any and all appointments of trustees heretofore made by the district court of San Miguel county for the management of said Las Vegas Grant, and all acts and things done and performed by said district court of San Miguel county in assuming jurisdiction in managing, controlling and administering said Las Vegas Grant, is hereby ratified and confirmed.

Sec. 11. This act shall be in force and take effect from and after its passage.

## CHAPTER 48.

AN ACT TO CREATE THE OFFICE OF GAME AND FISH WARDEN OF THE TERRITORY OF NEW MEXICO, TO PROVIDE FOR THE PROTECTION OF GAME AND GAME FISH, AND FOR OTHER PURPOSES. *C. B. No. 66; Approved March 12, 1903.*

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- Sec. 1. Game and fish warden. Appointment by governor. Term of office.
- Sec. 2. Game and fish warden. To take oath. To give bond. Salary.
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- Sec. 4. Trout or game food fish. Manner of taking. When lawful to catch. Penalties.
- Sec. 5. Unlawful to take trout or game food fish less than six inches in length. Penalties.
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- Sec. 7. Unlawful to deposit sawdust in streams or lakes. Unlawful to use any drug or explosive in catching fish. Penalty.
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- Sec. 9. Copies of game law to be mailed postmasters of the territory. Postmasters to post copy.
- Sec. 10. Unlawful to catch in one day more than fifteen pounds of speckled trout or twenty-five pounds of bass. Penalty.
- Sec. 11. Unlawful for restaurants or hotels to offer to patrons game fish or game killed in New Mexico. Game fish or game imported by restaurants or hotels can be sold only on permit from warden or deputy. Penalty. Proviso.
- Sec. 12. "Game fish" defined.
- Sec. 13. This act to apply to Indians. Secretary to send certified copies to Indian agents in territory.
- Sec. 14. Streams may be appropriated for propagating fish. Notices to be posted and published. Penalty for fishing within enclosure.
- Sec. 15. Unlawful to kill elk, antelope or mountain sheep for period of two years. Penalty.

Sec. 16. Unlawful to kill deer except in months of November and December. Proviso.

Sec. 17. Word "Game" defined.

Sec. 18. Penalty for violation of provisions of section 16. Proviso.

Sec. 19. Chapter 51, Laws of 1899, regarding protection of game and fish, Repealed.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Within thirty days after the passage of this act, there shall be appointed by the governor of the territory of New Mexico, an officer to be known as the game and fish warden of the Territory of New Mexico, whose term of office shall be two years and until his successor shall be appointed and qualified, and whose duties shall be as prescribed by this act.

Sec. 2. Such game and fish warden shall, before entering upon the discharge of his duties, qualify by taking the oath now required by law to be taken by officers of the Territory of New Mexico, and by filing with the secretary of the territory, after approval by the governor, a good and sufficient bond with two or more sureties, in the sum of two thousand dollars (\$2,000.00), conditioned for the faithful performance and discharge of his duties; and shall receive as full compensation for his services the sum of eighteen hundred dollars (\$1,800.00) per annum to be paid monthly out of the territorial treasury in the same manner as salaries of other territorial officers are paid.

Sec. 3. Such game and fish warden shall have the power to appoint deputies in each county in this territory, and to remove the same from office, who shall be residents of the county for which they are appointed, and who shall be specially charged with the duty of enforcing the fish and game laws of the Territory of New Mexico in their respective counties, and such deputies shall receive in full compensation for their services, one-half of all fines imposed upon prosecutions procured or instituted by them, and convictions secured thereunder, for violations of the game and fish laws of this territory, and each deputy so appointed shall qualify by filing with the game and fish warden of the Territory of New Mexico, an oath of office in the form now prescribed by law for territorial officers. It shall be the duty of the game and fish warden of the Territory of New Mexico and of each and every deputy within his county, rigidly and strictly to care for and enforce the provisions of this and all other laws of the Territory of New Mexico for the protection of game and fish of whatsoever kind or description, and to institute or cause the institution of prosecutions for any and all violations

of such laws, and to that end such game and fish warden and each and every of his deputies within their respective counties as aforesaid, are hereby authorized and required to arrest, or cause be arrested, all violators of such laws, and to lodge accusations against them in a court of competent jurisdiction in the premises; to gather evidence on behalf of the prosecution of such offenders, and to do any and all things necessary to the punishment hereunder and under the laws of the Territory of New Mexico of any violations of this or any other law of said territory on the subject of fish and game and the protection thereof. And such game and fish warden or deputy shall be liable to a fine of not less than one hundred dollars (\$100.00) nor more than two hundred and fifty dollars (\$250.00), or by imprisonment for not less than thirty nor more than ninety days for any failure to arrest and prosecute any person violating any of the provisions of this act: *Provided*, that such violations come within the knowledge of such warden or deputy, and the conviction thereof shall also operate as a removal of such person from office.

Sec. 4. It shall be unlawful for any person or persons to catch, kill, or have in his or their possession, any species of trout or game food fish found in the public streams or waters of this territory, unless such fish has been taken with a hook and line attached to a rod or held in the hand, and unless such fish be so caught or taken between the fifteenth day of May and the fifteenth day of October in any year; and any person or persons, catching, killing or having in his or their possession, any such fish taken in any other manner or at any other time than as herein permitted, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00), or by imprisonment not less than thirty days nor more than sixty days, or by both such fine and imprisonment in the discretion of the court; and every fish caught or killed in violation hereof shall cause a separate and distinct prosecution of such offender, as for a separate and distinct offense.

Sec. 5. No species of trout or other game food fish shall be taken in any manner or at any time from the public streams or waters of this territory, unless such fish be of a length not less than six inches, and any person having in his possession at any time any fish taken from the public waters or streams of this territory, the size of which is less than six inches in length, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00), or by imprisonment for not less than thirty nor

more than sixty days, or by both such fine and imprisonment in the discretion of the court.

Sec. 6. It shall be unlawful for any person or persons, agent or employe, or any association or corporation, to buy or sell, or to expose or offer for sale, any species of trout or game food fish taken from the public streams or waters of this territory, or any game known as elk, deer, antelope, or mountain sheep, at any time during the year; and it shall be unlawful for any railway, express company, stage line or other public carrier, or any of their agents or employes, to receive or have in their possession for transportation for market, any species of trout or game food fish taken from the public streams or waters of this territory, or any game known as elk, deer, antelope, or mountain sheep, or to transport the same for market, after the passage of this act; and any person or persons, agent or employe of any such association or corporation violating any of the provisions of this section, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00).

Sec. 7. It shall be unlawful for the owner or owners of any saw mill, or any of the employes thereof, or any other person or persons whomsoever, to deposit, throw or in any way permit to pass into any natural stream, or any lake wherein are living fish, any sawdust, or any other substance that will or may tend to the destruction or driving away of any such fish from such water; and it shall be unlawful to use for the killing or catching of any fish, any poisonous, deleterious or stupefying drug, dynamite, giant powder or other explosive, at any time; and every person violating any of the provisions of this section, shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment for not less than six months nor more than one year.

Sec. 8. It shall be the duty of the owner or owners of all canals or ditches in which any portion of the waters of any stream, in which are game food fish as defined by this act, are diverted for purposes of irrigation, or any other purpose which consumes such waters, to arrange and construct at the intake or head of such canals or ditches a wire screen or screens of sufficient fineness to prevent the passage there-through of any such fish of a length of three inches. Any owner or owners of such canals or ditches failing to so arrange and construct such screen or screens, after thirty days' notice so to do, given in writing by the game and fish warden of this territory, or any deputy game and fish warden for the county in which the head of such ditch is located, shall be

guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00), or by imprisonment in the county jail for not less than thirty nor more than sixty days, or by both such fine and imprisonment, in the discretion of the court trying the case.

Sec. 9. Within thirty days after the passage of this act, the secretary of the Territory of New Mexico shall cause copies hereof in Spanish and English to be sent by mail to each postmaster in the Territory of New Mexico, with an appropriate request accompanying the same that such copy hereof in Spanish and English be posted conspicuously in view of the public at the office of such postmaster.

Sec. 10. It shall be unlawful at any time of the year for any fisherman or person whomsoever, to catch or kill or have in his possession, in any one day, more than fifteen pounds of speckled trout or more than twenty-five pounds of bass taken from any of the public waters or streams of this territory, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00), or by imprisonment for not less than thirty nor more than sixty days, or by both such fine and imprisonment in the discretion of the court.

Sec. 11. No game fish shall be held in possession of, or placed upon the table of any hotel, restaurant, cafe or boarding house, or named on its menu or bill of fare as food for its patrons, either under the name used in this act or in the laws of New Mexico, or under any other name or guise whatever, when the same shall have come from any of the public streams or waters within the Territory of New Mexico; or game known as elk, deer, antelope or mountain sheep, killed within the Territory of New Mexico; and whenever any proprietor, manager, keeper or owner of any hotel, restaurant, cafe or boarding house shall import any game or game fish into this territory, it shall be the duty of such proprietor, manager, keeper or owner, immediately to report the fact to the game and fish warden of the Territory of New Mexico or to his deputy within the county, and to apply for a permit to sell and offer for sale the same, and upon satisfying the said warden or deputy by the production of invoices, bills of lading or other required proofs, that the game, or game fish come from without the Territory of New Mexico, then a permit shall be issued by such warden or deputy, for a period not greater than ten days, to such proprietor, manager, keeper or owner of such hotel, restaurant, cafe or boarding

house, allowing him to sell and offer for sale the same during the period stated in such permit: *Provided*, that the provisions of this section shall also apply to any business house or merchant within the Territory of New Mexico, importing, or offering for sale, or selling game or game fish brought from without said territory. Any person failing to comply with the provisions of this section or violating any of the provisions thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or by imprisonment for not less than thirty nor more than sixty days or by both such fine and imprisonment in the discretion of the court.

Sec. 12. Game fish as defined by this act, are small and large mouth bass, and speckled trout of whatsoever variety or species.

Sec. 13. The provisions of this act shall apply to all Indians off the reservations within this territory or coming into this territory from adjoining states or territories, and it is hereby made the duty of the secretary of the territory to make certified copies of this act within ten days after the passage thereof and send the same by registered mail to each and every Indian agent in the Territory of New Mexico.

Sec. 14. Whenever the owner or lessee of lands within any enclosure in this territory shall desire to protect or propagate any fish in any stream within said enclosure, he may publish notices of such act in both English and Spanish warning all persons not to fish within such enclosure or water described, which notice shall be by hand-bills posted in at least three conspicuous places on said premises, and by publication in some newspaper of general circulation in the county where such enclosure is situate, which publication shall be for the period of three weeks or three consecutive publications of such newspaper. After the publication and posting of such notice, it shall be unlawful for any person or persons to trespass on said premises for the purpose of fishing, and any person or persons so trespassing shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00), or by imprisonment for not less than thirty nor more than sixty days.

Sec. 15. After the passage of this act, and for a period of two years thereafter, it shall be unlawful to kill or in any wise destroy or injure any elk, antelope or mountain sheep in the Territory of New Mexico, and any person violating the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a

fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), or by imprisonment for not less than sixty days, or by both such fine and imprisonment at the discretion of the court.

Sec. 16. After the passage of this act it shall be unlawful to kill, wound, or in any way destroy any deer within the Territory of New Mexico, except that such deer, the animal being with horns, may be killed with a gun during the months of November and December in each year: *Provided*, that no person shall kill or have in his possession more than one deer during said months of November and December in each year.

Sec. 17. The word "game" as used in this act, to be distinguished from the words "game fish" whenever used, is hereby defined to mean elk, deer, antelope and mountain sheep.

Sec. 18. Any person violating the provisions of section 16 of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof by any court of competent jurisdiction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00), or imprisonment for not less than thirty nor more than sixty days, or by both such fine and imprisonment at the discretion of the court: *Provided, also*, that one-half of all fines collected for violations of this act, shall be turned into the county treasurer of each county, to be distributed in the school fund of the county in which the offense was committed.

Sec. 19. Chapter 51 of the Session Laws of 1899 of the 33rd Legislative Assembly of the Territory of New Mexico, is hereby repealed; and all acts and parts of acts in conflict herewith are hereby repealed, and this act shall take effect and be in force from and after its passage.

## CHAPTER 49.

AN ACT TO AMEND SECTION 3 OF AN ACT ENTITLED "AN ACT TO CREATE THE COUNTY OF SANDOVAL," APPROVED MARCH 10, 1903. *C. B. No. 123; Approved March 12, 1903.*

### CONTENTS.

Sec. 1. Section 3, chapter 27, Laws of 1903, regarding election of officers of Bernalillo county. Amended.

Sec. 2. Board of county commissioners to divide Bernalillo county into commissioner districts.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 3 of the act to create the County



of Sandoval, approved on March 10, 1903, be and the same is hereby amended so as to read as follows:

"Sec. 3. That T. C. Gutierrez, to fill the unexpired term of the second district, and Severo Sanches, be and they hereby are appointed and constituted county commissioners for the County of Bernalillo as the same is constituted after the creation of Sandoval county, and the said T. C. Gutierrez and Severo Sanches shall qualify as said county commissioners on or before the fifth day of April, A. D. 1903, and shall together with the county commissioner now in office for the said County of Bernalillo, hold a meeting not later than the tenth day of April, 1903, and said three persons as a board of county commissioners for Bernalillo county shall appoint one assessor and one probate judge for the said County of Bernalillo to serve until their successors are elected and qualified at the next general election."

Sec. 2. On or before thirty days after said board of county commissioners of Bernalillo county has duly qualified as such commissioners, they shall assemble as a board of county commissioners and shall divide said County of Bernalillo into county commissioner districts.

Sec. 3. This act shall be in force and take effect from and after its passage.

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## CHAPTER 50.

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AN ACT TO AMEND SECTION 2 OF AN ACT ENTITLED "AN ACT TO CREATE THE COUNTY OF SANDOVAL," APPROVED MARCH 10, 1903. *C. B. No. 128; Approved March 12, 1903.*

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### CONTENTS.

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Sec. 1. Section 2, chapter 27, Laws of 1903, regarding election of officers of Sandoval county. Amended.

Sec. 2. County commissioners to divide Sandoval county into commissioner districts.

Sec. 3. County seat located at Sandoval.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Sec. 1. That section 2 of the act to create the County of Sandoval, approved March 10, 1903, be and the same is hereby amended so as to read as follows:

"Sec. 2. The county officers for the said County of Sandoval, and their duties, shall be the same as those prescribed by law for officers of other counties in the Territory of New Mexico; and E. A. Miera and Esquipula Baca and Ignacio Gutierrez are hereby appointed and constituted county commissioners for the said County of Sandoval, and they shall qual-

ify as such county commissioners on or before the fifth day of April, A. D. 1903; and, after having so qualified, shall hold a meeting, not later than the tenth day of April, A. D. 1903, and appoint all other county officers for said County of Sandoval, who shall serve until their successors are elected at the next general election and qualified."

Sec. 2. Within thirty days after the said board of county commissioners of Sandoval county shall have duly qualified and organized, such board shall assemble at the county seat of said county and divide the said County of Sandoval into county commissioner districts.

Sec. 3. The town of Sandoval, in said Sandoval county, shall be and hereby is designated as the county seat for the said County of Sandoval.

Sec. 4. This act shall take effect and be in force from and after its passage, and all acts or parts of acts in conflict herewith are hereby repealed.

## CHAPTER 51

AN ACT GRANTING CERTAIN LAND IN THE CITY OF SANTA FE, TERRITORY OF NEW MEXICO, TO THE WOMAN'S BOARD OF TRADE AND LIBRARY ASSOCIATION OF SAID CITY, AS A SITE FOR A FREE PUBLIC LIBRARY BUILDING. *A. C. B. No. 96; Approved March 12, 1903.*

### CONTENTS.

Sec. 1. Tract of land granted. Description.

Sec. 2. Tract of land to revert to territory unless library erected within four years or if not used for library purposes. Proviso.

Sec. 3. All property not conducted for financial gain exempt from taxation.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. There is hereby granted to the Woman's Board of Trade and Library Association, a body corporate at the City of Santa Fe, Territory of New Mexico, for a site for a free public library building, that certain tract of land situate in the City of Santa Fe, Territory of New Mexico, bounded and described as follows: Beginning at a point on Washington avenue where the wall along the south side of the United States military reservation is contiguous to said Washington avenue, and running thence along the west side of said Washington avenue one hundred feet south to a point; thence running one hundred and fifty feet in a westerly direction parallel with said wall to a point; thence in a northerly direction parallel with said Washington avenue one hundred feet to the

wall first mentioned on the south side of the United States military reservation; thence one hundred and fifty feet easterly along the south side of said wall to the point of beginning.

Sec. 2. In the event that a free public library building shall not be erected on the said tract of land hereby granted within the period of four years from and after the passage of this act and in the event of the said tract of land and the building or buildings to be hereafter erected thereon ceasing at any time to be used wholly or in part for a free public library building, then the said tract of land shall revert to the Territory of New Mexico: *Provided*, that nothing in this act shall be so construed as to prevent the erection of such building of sufficient size and dimensions as to include other rooms, or apartments, besides those required for said free public library, which other rooms or apartments may be rented for other purposes than that of a free public library so as to obtain an income, which shall be used to pay off any incumbrance on such building and to support and maintain said free public library.

Sec. 3. That all property of such library association and all other associations or corporations not conducted for financial gain, but for the education or social advancement of the members thereof, is hereby exempt from taxation.

Sec. 4. All acts and parts of acts in conflict with this act are hereby repealed, and this act shall be in force and effect from and after its passage.

## CHAPTER 52.

### AN ACT RELATING TO TRUST COMPANIES. *C. S. for C. B. No. 10; Approved March 12, 1903.*

#### CONTENTS.

- Sec. 1. Fifteen or more persons may incorporate. Contents of articles of agreement.
- Sec. 2. Articles of agreement. To be signed and filed in office of secretary. Certified copy to be filed with auditor and probate clerk.
- Sec. 3. Purposes for which corporations may be created.
- Sec. 4. Corporations may control safety vaults. Procedure in case rent of safe or box is not paid for two years.
- Sec. 5. Corporations may be appointed executor or administrator. May act as guardian, trustee, receiver, committee or act in any fiduciary capacity.
- Sec. 6. Corporation acting as fiduciary or surety to give bond by deposit with territorial auditor of not less than fifty thousand dollars (\$50,000.00). Proviso. Securities so deposited to be held by territorial treasurer.
- Sec. 7. Dividends. How declared.
- Sec. 8. Corporation not to make any loan or discount on the security of the shares of its capital stock. Limitation to indebtedness.

- Sec. 9. Capital stock. Amount to be subscribed and amount to be actually paid in. Affidavit to be filed. Corporations to advertise only their actually paid in capital. Penalty.
- Sec. 10. Reserve to be kept on hand. Auditor to investigate and take charge.
- Sec. 11. Reports to auditor. Publication. Special reports may be called for. Failure to report. Penalty. Auditor to take charge.
- Sec. 12. Auditor to investigate affairs of corporations at least twice a year. Special examiner may be appointed. Refusal of corporation to submit to examination. Penalty. Officers refusing to be examined under oath. Penalty.
- Sec. 13. Auditor's fees for filing reports and examination.
- Sec. 14. Misappropriation of funds or false entry in report of officers. Penalty.
- Sec. 15. Reduction of capital stock. Violation of charter. Auditor may take charge. Court to appoint receiver. Duties and compensation of receiver. Liability of shareholders.
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- Sec. 18. Each stockholder entitled to one vote on each share of stock held. May vote by proxy.
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- Sec. 20. Corporation. May purchase or lease real estate.
- Sec. 21. Building and loan associations. Reincorporation. Articles of agreement.
- Sec. 22. Articles of agreement of building and loan associations. To be filed as required by section 2. Proviso.
- Sec. 23. Building and loan associations To furnish secretary of territory with satisfactory proof of solvency.
- Sec. 24. Directors of building and loan association to be directors of new corporation. Provision for additional directors. Term of office.
- Sec. 25. Capital of new corporation. Issuance of shares.
- Sec. 26. New corporation may make loans on shares of stock outstanding at time of reincorporation.
- Sec. 27. Dividends. How declared.
- Sec. 28. General incorporation law. How applicable.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Any fifteen or more persons a majority of whom are residents of this territory, who shall have associated themselves by articles of agreement, in writing, as provided by this act, for any purposes included under this act, may be incorporated under any name or title designating such business. The articles of agreement shall set out: First, the corporate name of the proposed corporation, which shall not be the name of any other corporation heretofore incorporated in this territory for similar purposes, or an imitation of such name. Second, the name of the particular city or town and county in which the business of the corporation is to be carried on. Third, the amount of the capital stock of the corporation and the number of shares into which it is divided; the amount of capital stock actually subscribed in good faith at the time of filing such articles, which amount of capital stock actually subscribed shall not be less than two hundred and fifty thousand dollars (\$250,000.00); and said articles shall further state that one hundred thousand dollars (\$100,000.00)

of the capital stock so subscribed has been actually paid up in lawful money of the United States, and is in the custody of the persons named as the first board of directors or control. Fourth, the name and place of residence of the several shareholders and the number of shares subscribed by each. Fifth, the number of the board of directors or control, and the names of those elected; if more than five, the class to which each belongs, and the term of office of each class. Sixth, the number of years the corporation is to continue, which in no case shall exceed fifty years. Seventh, the purpose for which the corporation is formed.

Sec. 2. The articles of agreement shall be signed and acknowledged by the parties thereto before the secretary of the territory or some officer competent to take acknowledgment of deeds and filed in the office of the secretary of the territory. A copy of such articles of agreement, duly certified by the secretary of the territory, shall be filed in the office of the territorial auditor of public accounts and in the office of the probate clerk in the county in which the place of business of the corporation is to be located.

Sec. 3. Corporations may be created under this act for any one or more of the following purposes:

First, to receive money in trust, and to accumulate the same at such rate of interest as may be obtained or agreed upon, or to allow such interest thereon as may be agreed, not exceeding in either case the legal rate; to receive upon deposit for safe keeping money and personal property of every description; to guarantee special deposits, and to own and control a safety vault and to rent the boxes therein.

Second, to accept and execute all such trusts and perform such duties of every description as may be committed or transferred to them by order, judgment or decree of any of the courts of record of this territory, or of any other territory, or of any state, or of the United States, or of any foreign state or government.

Third, to take, accept and hold, by order, judgment or decree of any court of this territory, or of any other territory, or of any state, or of the United States, or of any foreign state or government, or by gift, grant, assignment, transfer, devise or bequest of any person or corporation any real or personal property in trust, and to execute and perform all such legal and lawful trusts in regard to the same, upon the terms, conditions, limitations and restrictions, which may be declared, imposed, established or agreed upon in and by such order, judgment, decree, gift, grant, assignment, transfer, devise or bequest, and to execute as principal or surety and to guarantee against loss any principal or surety upon any

bond or bonds required by law to be given in any proceedings in law or equity in any of the courts of this territory, or other territory or state, or of the United States.

Fourth, to act as agent or attorney in fact for any person or corporation in the management or control of real or personal property and the sale or conveyance of the same, and for the investment of money, and to act for and represent corporations for the purpose of issuing, registering, transferring and countersigning the certificates of stock, bonds or other evidences of debt of any corporation, association, municipality, state or public authority, on such terms as may be agreed upon.

Fifth, to accept from and execute trusts for married women in respect to their separate property, whether real or personal, subject to the general laws of the territory regulating the disposition or control thereof, and act as agent for them in the management of such property.

Sixth, to act as executor under the last will or as administrator of the estate of any deceased person, or as guardian of the estate or curator of any infant, insane person, idiot or habitual drunkard or convict.

Seventh, to guarantee the fidelity and diligent performance of their duty of persons or corporations holding places of public or private trust; to guarantee or become surety on any bond given by any person or corporation, and to re-insure or guarantee any person or corporation against loss or damage by reason of any risk assumed by insuring the fidelity or diligent performance of duty of any such person or corporation, or by guaranteeing or becoming surety on any bond; to guarantee the principal or interest, or both, of any securities of any kind, and to certify and guarantee titles to real estate.

Eighth, to loan money upon real estate and collateral security and to purchase, invest in and sell all kinds of government, state, municipal and other bonds and all kinds of negotiable and non-negotiable paper, and other investment securities.

Sec. 4. Any corporation which has been authorized, or may hereafter be authorized, to own or control a safety vault and rent the boxes therein, may, if the amount due for the use of any safe or box in the vault of such corporation shall not have been paid for two years, at the expiration thereof cause to be sent to the person in whose name such safe or box stands on its books, a notice, in writing, in a securely closed post paid registered letter, directed to such person at his postoffice address as recorded upon the books of the corporation, notifying such person that if the amount then due for the use of such safe or box is not paid within sixty days from the date of such notice, the corporation will then cause such

safe or box to be opened, in the presence of its president, or vice president, or secretary, or treasurer, and of a notary public not an officer or in the employ of the corporation, and the contents thereof, if any, to be sealed up by such notary public in a package, upon which said notary public shall distinctly mark the name and address of the person in whose name such safe or box stands upon the books of the corporation, and the estimated value thereof; and the package so sealed and addressed, when marked for identification by such notary public shall be placed by such notary public in one of the general safes or boxes of the corporation, and retained by the corporation, subject to the payment of all rent that may be unpaid, and of all expenses incurred in opening the safe or box, and also a reasonable compensation for the safe keeping of the contents after their removal from the safe or box.

Sec. 5. When any such corporation is appointed executor in any last will or testament, the court or officer authorized to grant letters testamentary in this territory shall, upon the proper application, grant letters testamentary thereon to such corporation. When application is made to any court or officer having authority to grant letters of administration with the will annexed upon the estate of any deceased person, or upon the estate of any deceased person who may have died intestate, and there is no person entitled to such letters who is qualified, competent, willing or able to accept such administration, such court or officer may at the request of any party interested in the estate, grant letters of administration to any such corporation. Any court or officer having authority to grant letters of guardianship of any infant, may upon the same application as is required by law for the appointment of a guardian of such an infant, appoint any such corporation as guardian of the estate of such infant. Any court having jurisdiction to appoint a trustee, guardian, receiver, assignee or committee of the estate of a lunatic, idiot or habitual drunkard, or to make any fiduciary appointment, may appoint any such corporation to be such trustee, receiver, committee, or to act in any fiduciary capacity. Every court into which money may be paid by parties, or be brought by order or judgment, may, by order, direct the same to be deposited with any such corporation. And such corporation shall also be a legal depository for the funds in the hands of any trustees, guardian, receiver, assignee, committee or other officer of any court of this territory. Such court or officer may make orders respecting such trustees and require the corporation to render all accounts which such court or officer might lawfully require if such executor, administra-

tor, guardian, trustee, receiver, committee or depository were a natural person.

Sec. 6. Any such corporation which shall make with the auditor of the territory a deposit of not less than fifty thousand dollars (\$50,000.00) nor more than two hundred thousand dollars (\$200,000.00), as the auditor of the territory may from time to time require, consisting of cash, treasury notes of the United States, or government, state, or territorial bonds, or the bonds of any county of this territory which has not defaulted in the payment of any of its obligations or any interest thereon within five years from the time such bonds are offered to be deposited, and which shall satisfy said auditor of its solvency and shall have received the certificate of said auditor that said corporation has made said deposit and satisfied him of its solvency, it being hereby made the duty of said auditor to issue such certificate in accordance with the facts, shall be permitted to qualify as executor, administrator, guardian, trustee, receiver, assignee, committee or other fiduciary capacity, or under will, or depository of money in court, without giving bond as such, and become sole guarantor, or surety in or upon any bond required to be given under the laws of this territory, any other statute to the contrary notwithstanding, and as well to insure the fidelity of persons holding places of public or private trust, and whenever such corporation shall exhibit to the court, judge, clerk or other officer making such appointment, or whose duty it is to approve such bond, the certificate of the auditor of the territory that such corporation has complied with the provisions of this act with respect to said deposit and proof of solvency, the court or officer making such appointment, or whose duty it is to approve such bond, may appoint such corporation to such office or trust, and permit it to qualify as such without giving any bond, and permit such corporation to become sole guarantor or surety upon any bond required to be given under the laws of this territory, without requiring any other surety therefor. The fund so deposited with the auditor of the territory shall be primarily liable for the obligations of such corporation as executor, administrator, guardian, trustee, receiver, assignee, committee or other fiduciary capacity by appointment of any court, or under any will, depository of money in court when acting without bond, and as guarantor or surety in or upon any bond required to be given under the laws of this territory, and as well all bonds, contracts or guarantees of every kind or description, whereby the fidelity of persons holding places of public or private trust is insured or guaranteed, and shall not be liable for any other debt or obligation of the corporation until all trust liabilities as afore-



said of such corporation have been discharged. And the auditor of the territory shall, whenever any of the securities so deposited with him have depreciated in value or whenever it may appear to him that such securities are likely to depreciate in value, or whenever the interest on any of such securities remains unpaid for six months after it is due, require the corporation which deposited the same to remove them and deposit in their place other securities of the kind above specified equal in amount to those removed, and whenever any of the securities so deposited have been applied by law to the satisfaction of any of the obligations of such corporations he shall require others of like kind to be deposited in their stead. If any such corporation should fail to forthwith make such additional deposit of securities of the kind above named, when so required by the auditor of the territory as above provided, or if any such corporation should fail to forthwith deposit other securities of the kind above named in the place of those required by the auditor of the territory to be removed or taken by law to satisfy any of the aforesaid obligations of such corporation as above provided, such corporation shall not assume any further liability as executor, administrator, guardian, trustee, receiver, assignee, committee or other fiduciary capacity by appointment of any court, or under any will, depository of money in court, or as guarantor, surety or otherwise in or upon any bond or contract of any kind or description whereby the fidelity of persons holding places of public or private trust is insured or guaranteed until such deposit has been made: *Provided, however,* the auditor of the territory may permit any such corporation not having made a deposit of securities, or not having made an additional deposit of securities as may have been called for by the auditor, to qualify as executor, administrator, guardian, trustee, receiver, assignee, committee or other fiduciary capacity by appointment of any court, or under any will, or depository of money in court, upon the execution and approval of a bond as required by law in the case of individuals.

Whenever any securities are deposited with the auditor as above provided, he shall forthwith deliver them into the custody of the treasurer of the territory and the treasurer shall receive the same and shall be liable on his official bond for the safekeeping thereof and proper accounting therefor. A corporation depositing bonds shall be entitled to receive the interest thereon, unless an action at law has been commenced to subject such securities to the payment of any of the aforesaid obligations of the corporation. But this provision shall not relieve the auditor from any of the duties imposed upon him by this act, with reference to the supervision of such

securities and the treasurer shall hold the same subject to the control of such auditor, or of any district court having jurisdiction of any suit for recovery on any obligation of said company.

Sec. 7. The directors of any such corporation may semi-annually or annually declare a dividend of so much of the net profits of the corporation as they shall judge expedient; but each corporation shall, before the declaration of a dividend, carry at least one-tenth part of its net profits for the preceding half year or year to its surplus fund until the same shall amount to twenty per centum of its paid in capital stock; but such corporation shall not declare any dividend, except as hereinafter provided, until at least two hundred and fifty thousand dollars (\$250,000.00) of its capital stock has been actually paid into the corporation. If losses have at any time been sustained by any such corporation equal to or exceeding its undivided profits then on hand no dividend shall be made; and no dividend shall ever be made by any such corporation, while it continues its operation, to an amount greater than the net profits then on hand, deducting therefrom the losses and bad debts. All debts due to any such corporation on which interest is past due and unpaid for a period of six months, unless the same are well secured and in process of collection, shall be considered bad debts within the meaning of this section, but this section shall not be construed to define bad debts as those only upon which interest is past due for a period of six months.

Sec. 8. No such corporation shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares, except as hereinafter provided, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; and stock so purchased or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale; or in default thereof, a receiver may be appointed to close up the business of such corporation. The total liabilities to any such corporation, of any person, or any corporation, company or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed twenty per centum of the amount of the capital stock of such corporation actually paid in. The total liabilities to any such corporation, of any officer, director, employee or agent of such corporation, for money borrowed or otherwise, shall at no time exceed ten per centum of the amount of the capital stock of such corporation actually paid in.

Sec. 9. The amount of capital stock of any such corpora-

tion actually subscribed shall not be less than two hundred and fifty thousand dollars (\$250,000.00), and not less than one hundred thousand dollars (\$100,000.00) of the capital stock so subscribed must have been actually paid up in lawful money of the United States and in the custody of the persons named as the first board of directors or control at the time of the filing of the articles of agreement as provided in section 2 of this act. And there must be attached to such articles of agreement at the time they are lodged with the secretary to be filed the affidavit of at least a majority of persons named in such articles as the first board of directors to the effect that not less than two hundred and fifty thousand dollars (\$250,000.00) of the capital stock of such corporation has been actually subscribed, and that one hundred thousand dollars (\$100,000.00) of the stock so subscribed has been actually paid to them in lawful money of the United States and in their hands and control at the time of making such affidavit. Corporations organized under this act shall only advertise and display their actual paid in capital, surplus and undivided profits and not their authorized capital, unless the same has been fully paid up, and for any violation of this provision, the corporation violating it shall be subject to a penalty of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) for each offense, which penalty may be collected by suit before any district court of this territory.

Sec. 10. Every such corporation shall at all times have on hand, in lawful money of the United States, an amount at least equal to fifteen per centum of the aggregate amount of its liabilities other than its liabilities for which bonds in an amount not less than fifty thousand dollars (\$50,000.00) are required to be deposited with the auditor of the territory; and whenever the lawful money of the United States of any such corporation shall be below the amount above required to be kept on hand, such corporation shall not increase its liabilities by making new loans; nor make any dividends of its profits until the required amount to be kept on hand has been restored. And the auditor of the territory may notify any corporation, whose lawful money reserve shall be below the amount required to be kept on hand to make good such reserve, and if such corporation shall fail for sixty days thereafter so to make good its reserve of lawful money, the auditor of the territory may take charge of such corporation, close its doors, make a thorough examination of its affairs and take such proceedings as the nature of the case may require. Three-fifths of the reserve required to be kept, may consist of balances due such corporation from any national, state or

territorial banks or from any trust companies designated by the auditor of the territory.

Sec. 11. Every such corporation shall make to the auditor of the territory not less than four reports during each year, according to the form which may be prescribed by him, verified by the oath or affirmation of the president or secretary of such corporation, and attested by the signature of at least three directors. Each such report shall exhibit, in detail and under appropriate heads, the resources and liabilities of the corporation at the close of business, on any past day by him specified, and shall be transmitted to the auditor within fifteen days after the receipt of a request or requisition therefor from him, and in the same form in which it is made to the auditor shall be published in a newspaper published in the place where such corporation is located, or where its principal place of business is located, or if there is no newspaper in the place, then in one published nearest thereto in the same county, and proof of publication shall be furnished as may be required by the auditor. The auditor shall also have power to call for special reports from any particular corporation, whenever in his judgment the same are necessary in order to obtain a full and complete knowledge of its condition. Every such corporation which fails to make, transmit or publish any report required under this section, shall be subject to a penalty of fifty dollars (\$50.00) for each day after the period herein mentioned, that it delays to make, transmit or publish such report, and if such failure shall continue for a period of thirty days the auditor of the territory may take charge of such corporation, close its doors, make a thorough examination of its affairs, and take such proceedings as the nature of the case may require. The penalty herein provided may be collected by suit before any district court in the territory.

Sec. 12. The auditor of the territory shall between the first day of January and the last day of June of each year and between the first day of July and the last day of December of each year, and at such other times as he may deem it necessary in order to obtain a full and complete knowledge of its condition, make a thorough examination into all the affairs of every such corporation, and in doing so to examine any of the officers or agents thereof under oath. The auditor may appoint a suitable person to make such examinations for him and such examiner shall have the same powers in making such examinations as are given by law to the auditor, and he shall make a full and detailed report of the condition of every such corporation examined to the auditor. Before entering into the discharge of his duties such examiner shall make, subscribe

to and file in the office of the auditor, an oath to faithfully discharge the duties of his office as such examiner, and shall execute a bond to the territory in such sum as the auditor may require, with sufficient surety or sureties conditioned for the faithful discharge of the duties of his office. Such bond shall be approved by the auditor and filed in his office. If any such corporation shall refuse to submit to an examination required by this section it shall be subject to a penalty of one thousand dollars (\$1,000.00) for such refusal and the auditor of the territory may take charge of such corporation, close its doors, make a thorough examination of its affairs and take such proceedings as the nature of the case may require. If any officer or director thereof shall refuse to be examined under oath touching the affairs of such corporation, such officer or director shall be subject to a penalty not to exceed five hundred dollars (\$500.00) for such refusal and the auditor of the territory may in addition remove such officer or director. The penalties herein provided may be collected by suit before any district court of this territory.

Sec. 13. The auditor of the territory shall receive the following compensation for the services required by the two foregoing sections: For filing each report required by section 11, five dollars (\$5.00), to be paid by the corporation filing the report; for each examination made as required by section 12, fifty dollars (\$50.00) and traveling expenses incident to such examination, to be paid by the corporation examined. The auditor or examiner making the examination shall render such corporation an itemized statement of such traveling expenses verified by his oath.

Sec. 14. Every president, director, secretary, clerk or agent of any such corporation, who embezzles, abstracts or wilfully misapplies any of the moneys, funds or credits of the corporation, or who, without authority, issues or puts forth any certificate of deposit, draws any order or bill of exchange, mortgage, judgment, or decree, or who makes any false entry in any book, report, or statement of the corporation, with intent, in either case, to injure or defraud the corporation or any other company, body politic or corporate, or any individual person, or to deceive any officer of the corporation, or any agent appointed to examine the affairs of any such corporation; and every person who with like intent aids or abets any officer, clerk or agent in any violation of this section, shall be deemed guilty of a misdemeanor, and shall be imprisoned not less than five nor more than ten years.

Sec. 15. Whenever it shall appear to the auditor of the territory that the capital stock of any such corporation is reduced by impairment or otherwise below the amount required

by law, he shall require such corporation to make good the deficiency within three months by assessment upon the shareholders pro rata for the amount of capital stock held by each and on its failure to do so, he may take charge of such corporation, close its doors, make a thorough examination of its affairs and take such proceedings as the nature of the case may require. Whenever it shall appear to the auditor of the territory that any such corporation has violated its charter or any law of this territory, or is conducting business in an unsafe and unauthorized manner, he shall by an order under his hand and seal, addressed to such corporation, direct a discontinuance of such illegal or unsafe practices and conformity with the requirements of its charter, and with safety and security in its transactions; and whenever, from a thorough examination of the affairs of any such corporation, as required by this act, or, if having taken charge of any such corporation under the provisions of this act and having made such examination of its affairs, it shall appear to the auditor of the territory that it is unsafe and inexpedient for such corporation to continue business he may take charge of such corporation, if not already in charge thereof, close its doors, if not already closed, and forthwith report such facts to the governor of the territory, whose duty it shall be to immediately require the solicitor general of the territory to institute proceedings in the name of the territory before the district court of the district within which is located the city or town in which the business of such corporation is carried on or any other district court authorized to act, for the appointment of a receiver for such corporation; and it shall be the duty of such court to appoint such receiver in event it appears in said proceedings to the satisfaction of said court that it is unsafe or inexpedient for such corporation to continue business or in event such court shall find therein that such corporation has been guilty of illegal or unsafe practices in the conduct of its business and has refused to desist therefrom after written notice so to do from said auditor; and such court shall require of such receiver, such bond and security as may be deemed proper and sufficient and such receiver, under the direction of said court, shall take possession of the books, records, and assets of every description of such corporation, collect all debts, dues, and claims belonging to it, and upon the order of a court of record of competent jurisdiction, may sell or compound all bad and doubtful debts, and, on a like order, may sell all the real and personal property of such corporation, on such terms as the court shall direct; and may, if necessary to pay the debts of such corporation, enforce the individual liability of the stockholders. Such receiver shall

conduct his office under the direction of the court having jurisdiction, make full report thereto when required of all his acts and proceedings and disburse all moneys collected and perform such other acts and duties as may be directed by the court. Any receiver appointed under the provisions of this act shall be entitled to receive reasonable compensation for the services rendered, same to be paid out of the money and assets belonging to such corporation. The shareholders of every such corporation shall be held individually responsible equally and ratably, and not one for another, for all contracts, debts and engagements of the corporation, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares.

Sec. 16. Any such corporation shall have the right to become a depository of territorial moneys to an amount not exceeding forty per centum of its paid up capital stock upon complying with the provisions of section 255 of the Compiled Laws of the territory.

Sec. 17. The affairs of each of such corporations shall be managed by not less than five directors, who shall respectively be the owners of not less than ten shares of the capital stock of such corporation, and a majority of whom shall be bona fide citizens of this territory. And after the amount of stock required by this act of any such proposed corporation has been actually subscribed and at least one hundred thousand dollars (\$100,000.00) in lawful money of the United States has been paid into the hands of one of the subscribers to the capital stock to be turned over to the directors when elected, such subscribers shall hold a meeting and name the number of directors to manage the affairs of the proposed corporation and elect such directors. If the number named is five, they shall be elected for one year; if more than five and less than fifteen the number shall be divided into three classes as near as may be, the first class to be elected for three years, the second class to be elected for two years and the third class to be elected for one year; if fifteen or more the number shall be divided into five classes as near as may be, the first class to be elected for five years, the second class for four years, the third class for three years, the fourth class for two years, and the fifth class for one year; and at each annual election of such corporation to be held at such time and place as shall be directed by the by-laws, directors shall be elected for a term of one, three or five years, as the case may be, to fill the vacancies created by the retiring directors. The number of directors may be increased or decreased in such manner as the by-laws of the corporation may prescribe, but no provisions for the decrease of the number of directors

shall take effect except at the expiration of the term of office of a director or directors. Each director before entering on the discharge of the duties of his office shall make an oath that he will, so far as the duties devolve on him, diligently and honestly administer the affairs of such corporation and will not knowingly violate, or wilfully permit to be violated, any of the provisions of law applicable to such corporations. Such oath shall be subscribed by the director making it, and be certified by the officer before whom it is taken, and shall be immediately transmitted to the auditor of the territory and filed and preserved in his office.

Sec. 18. At all meetings of the stockholders of any such corporation each stockholder shall be entitled to one vote on each share of stock standing in his name on the books of the company. Stockholders may vote by proxies duly authorized in writing.

Sec. 19. The directors of such corporations shall elect, from among the directors, a president, vice presidents and a secretary, whose respective terms of office shall expire with their respective offices as directors of such corporation, and such officers may be removed for cause. The directors shall have the power to appoint such other officers, agents and servants as the business of the corporation shall require, to define their power and to remove them at will. They shall prescribe the duties and fix the compensation of all officers, agents and servants and require of them such security as may be thought proper for the fulfillment of their duties. Such corporation shall have power to prescribe, by its directors, by-laws not inconsistent with law, regulating the manner in which its stock shall be transferred, its property transferred, its general business conducted and the privileges granted to it by law exercised and enjoyed, and shall likewise have power to change, amend or repeal such by-laws, but in adopting such by-laws or in changing, amending or repealing same, a two-thirds vote of all of the directors shall be necessary.

Sec. 20. Any such corporation may purchase, hire or take upon lease any building for conducting its business and may adopt and furnish the same and may purchase, hire or take upon lease any land for the purpose of erecting thereon a building for conducting its business, and may sell, exchange or let such building, or any part thereof. Any such corporation may purchase real estate under its own foreclosure proceeding, judgment or lien, or whenever it may be necessary to protect itself from loss, and the same shall be converted into money by sale as speedily as may be without detriment to the interests of the corporation.



Sec. 21. Any association organized, or which may hereafter be organized, under chapter 72 of the acts of the 33rd Legislative Assembly of this territory, approved March 16, 1899, entitled "An Act relating to building and loan associations and providing penalties for failure to comply therewith, and repealing all acts in conflict therewith," having assets of not less than one hundred thousand dollars (\$100,000.00) invested in first mortgages on improved real estate in this territory, of which assets no less than seventy-five thousand dollars (\$75,000.00) shall have been accumulated from dues or assessments and profits on the shares of the capital stock of such association, may be reincorporated under the provisions of this act and when so incorporated shall have all the powers hereinbefore and hereinafter conferred, upon the stockholders of such association unanimously expressing their wish so to do in writing, or unanimously expressed by a vote at a meeting of the stockholders to be held on thirty days' written notice mailed to each of the stockholders at the last postoffice address furnished the association, whereupon a majority of the directors of such association may execute the articles of agreement required by this act. Such articles of agreement shall set out: First, the corporate name of the proposed corporation, which shall not be the name of any other corporation heretofore incorporated in this territory for similar purposes, or an imitation of such name; second, the name of the particular city or town and county in which the business of the corporation is to be carried on; third, that such association was organized under chapter 72 of the acts of the Thirty-third Legislative Assembly of this territory, approved March 16, 1899, entitled "An Act relating to building and loan associations, and providing penalties for failure to comply therewith, and repealing all acts in conflict therewith," and has assets of more than one hundred thousand dollars (\$100,000.00) invested in first mortgages on improved real estate in this territory, of which assets more than seventy-five thousand dollars (\$75,000.00) have been accumulated from dues or assessments and profits on the shares of the capital stock of such association; fourth, the number of the board of directors or control and the names of those elected, if more than five, the class to which each belongs, and the term of office of each class; fifth, the number of years the corporation is to continue, which in no case shall exceed fifty years; sixth, the day the reincorporation is to take effect; seventh, the authority upon which such action is taken; eighth, the purposes for which the corporation is formed.

Sec. 22. Such articles of agreement shall be acknowledged and filed as required by section 2 of this act, and the

reincorporation shall take effect on the day named in the articles of agreement, when such former association shall be deemed dissolved, and the corporation, as reincorporated, shall be deemed a corporation, entitled to all the privileges and subject to all the liabilities prescribed in this act, and all the property of the dissolved association shall immediately by act of law and without any conveyance or transfer be vested in and become the property of the new corporation, and the outstanding stock and the stockholders of the dissolved association shall likewise become the stock and stockholders of the new corporation and the new corporation shall, by act of law, fulfill and be liable for the contracts, debts and obligations of the dissolved association: *Provided, however,* that not more than ten per centum of the amount of dues or installments received during any month on the shares of such dissolved association, outstanding at the time of dissolution, shall be withdrawn and paid out on such shares during that month, until the paid in capital of such new corporation shall be two hundred and fifty thousand dollars (\$250,000.00) or more, and no such payment shall be made thereafter that will reduce said paid in capital below two hundred and fifty thousand dollars (\$250,000.00).

Sec. 23 Any such association desiring to avail itself of the provisions of this act and reincorporate hereunder, shall at the time of filing its articles of agreement with the secretary of the territory, furnish satisfactory proof to such officer, that it has not less than one hundred thousand dollars (\$100,000.00) invested in first mortgages on improved real estate in the territory; and also satisfactory proof that the real estate pledged as security for the respective loans, is adequate security for the amount loaned thereon, to the aggregate amount of not less than one hundred thousand dollars (\$100,000.00), at the time of filing the articles of agreement, and shall also satisfy the secretary of the territory that all other statements of fact contained in the articles of agreement are true, and shall also satisfy him of its solvency.

Sec. 24. If the authority of such reincorporation is written authority of the holders of the shares of such association as provided in section 21 of this act, the directors of such association shall be the first directors of the new corporation, and, if the by-laws of such new corporation prescribe a larger number of directors, such first directors shall be directors of the third or fifth class as the case may be, and the additional directors shall be elected and assigned to a class by the board of directors as it exists at the time of such election. If such authority is given by a vote at a meeting of the stockholders of such association as provided in section 21

of this act, such meeting may by a like vote prescribe the number of directors and elect any or all of the number prescribed, and, if the number prescribed is more than five, assign those elected to a class.

Sec. 25. The capital of such new corporation shall consist of the accumulated payments and the credited dividends on its stock and shall be divided into shares of the par value of one hundred dollars (\$100.00). Such shares shall be issued upon such terms of payment and expense and surplus provisions as such new corporation may have provided at the time of the issue thereof, and such new corporation may enforce the payments of any installments, dues or other payments on the stock, by sale, forfeiture or otherwise, as may be provided by its by-laws.

Sec. 26. Such new corporation may grant loans on the shares of stock of the dissolved association outstanding at the time of the reincorporation to the same extent and in the same manner as if such reincorporation had not been made.

Sec. 27. The directors of such new corporation may semi-annually or annually or at such other time as they may elect, declare a dividend of so much of the net profits of the corporation as they shall judge expedient, but each such corporation shall, before the declaration of a dividend, carry one-tenth part of its net profits for the preceding dividend period to its surplus fund until the same shall amount to twenty per centum of its paid in capital stock. The dividend so declared may be paid to the stockholder or credited to the account of his stock as the terms of its issue may provide. If losses have at any time been sustained by any such new corporation equal to or exceeding its undivided profits then on hand, no dividend shall be made; and no dividend shall ever be made by any such new corporation, while it continues its operations, to an amount greater than the net profits then on hand, deducting therefrom its losses and bad debts. All debts of of any such corporation, on which interest is past due and unpaid for a period of six months, unless the same are well secured and in process of collection, shall be considered bad debts within the meaning of this section, but this section shall not be construed to define bad debts as those only upon which interest is past due for a period of six months.

Sec. 28. The provisions of the general incorporation act, entitled "An Act to create a general incorporation act, permitting persons to associate themselves together as bodies corporate, for mining, manufacturing, and other industrial pursuits," approved December 27th, 1867, and all acts in amendment thereof, so far as the same shall apply to incorporations incorporated under this act, shall be held to be

applicable thereto, and all acts and parts of acts in conflict herewith are hereby repealed; and this act shall take effect and be in force from and after its passage.

## CHAPTER 53.

AN ACT CREATING TWO ARMORY BOARDS OF CONTROL AND PROVIDING FOR THE CONSTRUCTION OF ARMORIES IN THE CITIES OF LAS VEGAS AND ALBUQUERQUE, AND AUTHORIZING AN ISSUE OF BONDS THEREFOR. *C. B. No. 114; Approved March 12, 1903.*

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*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. For the purpose of providing suitable buildings for the use of the national guard organization located at the cities of Las Vegas and Albuquerque, there are hereby created two armory boards of control, to be appointed by the governor of the territory as hereinafter provided.

Sec. 2. It shall be the duty of said boards of control to contract for and to superintend the erection of said armory buildings, and thereafter administer the affairs pertaining to such buildings for their respective cities.

Sec. 3. The adjutant general of the territory and four commissioned officers of the national guard, stationed at Las Vegas, shall constitute the board having supervision of the armory located at Las Vegas; and the adjutant general of the territory and four commissioned officers of the national guard, stationed at Albuquerque, shall constitute the board having supervision of the armory located at Albuquerque.

Sec. 4. Within thirty days after the passage of this act, the four commissioned officers of each board as herein provided for, shall be appointed to serve as follows: One to serve one year, one to serve two years, one to serve three

years, one to serve four years; and thereafter one appointment shall be made annually for the term of four years.

Sec. 5. Each board of control, and its successors in office, shall constitute a body corporate under the name of armory board of control, with name of city where located as a prefix, and shall have all the privileges of a body corporate.

Sec. 6. Each board of control shall meet in its respective city and organize not later than the second Tuesday in May, 1903. The officers of each board shall be a president, who shall be the ranking officer of the national guard in his respective city, and a secretary and a treasurer, who shall be elected by the board from its members. The board shall adopt such rules and regulations as may be necessary to accomplish the objects for which it is organized. Each board shall meet quarterly and special meetings may be held as provided for in the rules. Three members shall constitute a quorum for the transaction of business. The members and officers of said boards, as such, shall serve without compensation.

Sec. 7. The treasurer of each board of control shall, before entering upon the duties of his office, execute a good and sufficient bond to the Territory of New Mexico in the sum of two thousand dollars (\$2,000.00), conditioned upon the faithful discharge of his duties, which said bond shall be approved by the governor of the territory, and shall be filed with the secretary of the territory.

Sec. 8. For the purpose of providing funds for the erection of said armory buildings in the cities of Las Vegas and Albuquerque, an issue of coupon bonds of the Territory of New Mexico is hereby authorized, to the amount of fifteen thousand dollars (\$15,000.00), to be known as "Armory Building Bonds of the Territory of New Mexico." Such bonds shall be in the usual form of coupon bonds, payable to bearer, and in the denomination of one thousand dollars (\$1,000.00) each; shall be dated April first, 1904; shall bear interest at the rate of four per centum per annum, payable semi-annually, on the first days of April and October; principal and interest shall be payable at the National Bank of Commerce, in the City of New York; such bonds shall be payable in thirty years from their date, with the right of the territory to pay them at any time after twenty years from their date. Such bonds shall be signed by the governor and treasurer and countersigned by the auditor of public accounts of the Territory of New Mexico, and the coupons may have the lithographed or engraved fac simile signature of the territorial treasurer; and the secretary of the territory shall affix the great seal of the territory to the bonds, and the bonds shall

duly be registered in the territorial bond registers in the offices of the auditor and treasurer by those officers. The bonds shall be duly advertised, and sold by the territorial treasurer to the highest and best bidder, for not less than their par value and the proceeds of such sale shall be turned in to the territorial treasurer. The necessary expenses of the printing, advertising and selling the bonds shall be paid out of the proceeds of the sale of the bonds. The proceeds of the sale of the bonds shall be disbursed as follows: One-half upon the order of the Las Vegas armory board of control, and one-half upon the order of the Albuquerque armory board of control, for the construction of the armory buildings herein provided for.

Sec. 9. To provide for the semi-annual interest of the bonds authorized in section 8, the auditor shall levy annually, at the time of levying other territorial taxes, beginning with the year 1904, such a tax on all taxable property in the Territory of New Mexico, as may be necessary to produce the amount of such interest; and for the payment of the interest accruing October first, 1904, the sum of three hundred dollars (\$300.00) is hereby appropriated, payable out of funds appropriated for armory rent for 1904. To provide for the payment of the bonds, the auditor shall levy annually, beginning with the year 1924, such tax, on all the taxable property in the Territory of New Mexico, as will be sufficient to pay all the bonds at or before their maturity, such levy to be made at the same time and in the same manner as other territorial tax levies are made, and duly certified to the proper authorities charged with the levy of taxes in the several counties of the Territory of New Mexico, whose duty it shall be to see that said levies are duly made, assessed and collected: *Provided*, that upon default in the payment of the interest coupons of the bonds herein authorized, that the said defaulted coupons shall be received in payment of any taxes due the territory, upon presentation to the tax collector of any county in the territory.

Sec. 10. No action for the preparation or sale of the bonds provided for in section 8 shall be taken until deeds for sites, not less than fifty feet by one hundred and forty-two feet in each city and located satisfactorily to the boards of control of their respective cities, the title to which has been approved by the attorney general, shall have been delivered to the secretary of the territory, and which said sites shall be furnished free of expense to the territory of New Mexico, nor until this act has been duly approved or authorized by the congress of the United States of America.

Sec. 11. This act shall be in force and effect from and after

its passage, and all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

## CHAPTER 54.

AN ACT TO ESTABLISH THE OFFICE OF TRAVELING AUDITOR AND BANK EXAMINER FOR THE BENEFIT OF THE TERRITORY AND THE SEVERAL COUNTIES AND FOR OTHER PURPOSES. *C. B. No. 88; Approved March 12, 1903.*

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- Sec. 1. Office of traveling auditor and bank examiner created. Appointment. Term of office. To give bond. Salary.
- Sec. 2. Duties of traveling auditor.
- Sec. 3. Duties of county treasurers and collectors. Penalty.
- Sec. 4. Duties of traveling auditor as to tax rolls.
- Sec. 5. Duties of county assessors. Penalty.
- Sec. 6. Traveling auditor to examine banks and other moneyed corporations.
- Sec. 7. Duties of officers of banks and other institutions.
- Sec. 8. Failure of bank and other officers to conform with section 7. Penalty.
- Sec. 9. Reports of banks, loan and trust companies and other moneyed corporations to be made to traveling auditor.
- Sec. 10. Traveling auditor shall have power to issue subpoenas and administer oaths. Refusal to comply with requirements. Penalty.
- Sec. 11. Report of traveling auditor to be made to governor.
- Sec. 12. Delinquent taxes. Duty of auditor in balancing and closing accounts. County commissioners may compromise delinquent taxes Proviso.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. The office of traveling auditor and bank examiner is hereby created and established, and the governor is hereby authorized and directed to appoint some suitable person, who shall be a skilled accountant, to that position, who shall serve for two years and until his successor is appointed. He shall be a territorial officer, and within thirty days after his appointment shall qualify by taking the oath of office prescribed by law for other territorial officers, and by giving bond to the Territory of New Mexico, with sufficient sureties, to be approved by the governor, in the sum of ten thousand dollars (\$10,000.00), for the faithful discharge of the duties of his office. Such traveling auditor and bank examiner shall maintain his office at the territorial capitol in that of the auditor of public accounts. He shall receive a salary of two thousand dollars (\$2000.00) per annum, payable monthly; and twelve hundred dollars (\$1200.00) per annum additional for traveling and contingent expenses of his office; to be paid out of the salary fund, in the same manner as other

territorial officials are now paid, both as to salary and contingent expenses.

Sec. 2. It shall be the duty of such traveling auditor and bank examiner to personally visit each county seat in the territory, at least twice in each year, and oftener if he may deem it necessary for the benefit of the territory or said county or on the request of the board of county commissioners of said county or upon the direction of the governor. It shall be his duty to adopt and prescribe a simple and uniform system of keeping accounts in the several counties by the different treasurers and collectors thereof. He shall examine and audit the accounts of the said treasurers and collectors as to territorial taxes, and report to the county commissioners in writing, the result, with his recommendations in reference to the same. It is hereby made the duty of said treasurers and collectors to conform their method of bookkeeping and the making of reports, both to the territorial treasurer and the auditor of public accounts, to the recommendations made by the said traveling auditor and bank examiner. Books of account, records and all blanks, so recommended to be used by the traveling auditor and bank examiner, to be uniform and to be furnished said county treasurers and collectors free of charge by the territory, through the office of the traveling auditor and bank examiner, and for such purpose the appropriation now made by the territory for the printing of tax rolls is hereby increased the additional sum of five hundred dollars (\$500.00) per annum. It shall further be the duty of said traveling auditor and bank examiner to examine into, and report to the governor in writing, the character and amount of all outstanding bonds of each county, the time and law under which same were issued, when by their terms due, rate of interest, and the steps that are taken to provide for the payment of same; such reports to be made by the said traveling auditor and bank examiner upon blanks to be prepared by him and printed by the public printer, and paid for by warrant drawn on the salary fund and charged against his contingent account, and such report shall contain such recommendations to the governor as he may deem necessary with reference to the particular county audited, and shall be made as soon as practicable after he shall have examined each county. In his report he shall also state the assessed value of each county for taxation purposes, the amount of levy of taxes made each year, and for what purpose, the character and condition of the public property and such other information with regard to the financial affairs of the county as he may deem necessary for the information of the governor. It shall also be his duty to consult with and ad-



wise the assessor, probate clerk, collector and board of county commissioners with reference to the method of assessing property and levying and collecting the territorial and county tax thereon. He shall consult with and be advised by the auditor of public accounts and the solicitor general in regard to the assessment, levy and collection of taxes for territorial purposes, and be guided by them in his directions to the different county officers.

Sec. 3. It shall be the duty of the county treasurers and collectors to assist the traveling auditor and bank examiner in his duties as prescribed in section 2, and to allow him full and free inspection of all records, books, papers and documents pertaining to their respective counties, and any person holding such county office who shall obstruct or interfere with the performance of such duties or fail in any manner to assist him in the same, as provided in this act, or shall refuse to allow him to examine the books, papers and documents pertaining to said office, shall be deemed guilty of malfeasance in office, and may be summarily removed therefrom and fined in any sum not exceeding five hundred dollars (\$500.00), in the discretion of the judge hearing the complaint against said officer.

Sec. 4. It shall be the duty of the traveling auditor and bank examiner to supervise the compilation of the tax rolls of the several counties of the territory, and on or before the first day of October each year, prepare and lay before the territorial board of equalization, for its information, a general abstract of the taxable property of the territory, which abstract shall show by counties the valuations of the different classifications of property as enumerated in tax schedules returned by tax payers, average valuation fixed for taxation purposes on such different classifications of property by boards of county commissioners, assessed valuation, amount of exemptions allowed and net valuation for taxation purposes as certified to auditor of public accounts together with a written report containing such other and further information as will assist the territorial board of equalization in the performance of its duties.

Sec. 5. It shall be the duty of the county assessors to assist the traveling auditor and bank examiner in his duties as prescribed in section 4, to compile assessment rolls, and abstracts, in manner and form as prescribed and directed by said traveling auditor and bank examiner, and to allow him full and free inspection of all records, books, papers and documents pertaining to their respective counties, and any person holding such county office who shall obstruct or interfere with the performance of such duties or fail in any man-

ner to assist him in the same, as provided in this act, or shall refuse to allow him to examine the books, records, papers and documents pertaining to said office shall be deemed guilty of malfeasance in office, and may be summarily removed therefrom and fined in any sum not exceeding five hundred dollars (\$500.00), in the discretion of the judge hearing the complaint against such officer.

Sec. 6. The traveling auditor and bank examiner shall in like manner, and with like authority as hereinbefore set forth, visit, without prior notice, each of the banking, savings and other moneyed corporations created under the laws of the territory. He shall thoroughly examine into their affairs, and ascertain their financial condition, at least once in each year. He shall carefully inspect and verify the validity and amount of the securities and assets held by such institutions. He shall examine into the validity of mortgages held by savings banks, and see that same are duly recorded. He shall ascertain the nature and amount of any discounts, or other banking transactions which he may deem foreign to the legitimate and lawful purposes of savings institutions. He shall inquire into and report any neglect or infringement of laws governing banking and moneyed and savings institutions, and for such purposes shall have power to examine the officers, servants, agents and employes thereof and persons doing business therewith.

Sec. 7. To enable the traveling auditor and bank examiner to properly perform the services required of him, the trustees and financial officers of all banking, moneyed and savings institutions herein referred to, shall furnish all reasonable and needed facilities to said traveling auditor and bank examiner.

Sec. 8. Any officer of any banking, moneyed or savings institution, or other moneyed corporation of this territory, who shall fail to furnish all reasonable and needed facilities to said traveling auditor and bank examiner, as hereinbefore provided, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars (\$500.00), or by imprisonment for not less than six months, or by both such fine and imprisonment.

Sec. 9. Whenever in the laws of New Mexico, reports are required to be made to the secretary or treasurer of the territory, by any banks, savings banks or institutions, loan and trust companies, such reports shall be made to the traveling auditor and bank examiner, and all the duties connected with such institutions prescribed for the secretary and the treasurer, are hereby transferred to the traveling auditor and bank examiner, who shall assume and perform the same

as though he were specially named in said laws instead of such secretary and treasurer; and he shall do and perform all and each of such duties, in addition to those here prescribed, as a part of his official duties hereunder. And all certificates, reports and other documents and papers relating to banks, or loan companies, now on file with the secretary, auditor or treasurer of the territory, shall be at once transferred to the traveling auditor and bank examiner, who shall thereafter have the control and custody of the same.

Sec. 10. The traveling auditor and bank examiner may issue subpoenas and administer oaths in the same manner, and with the same power to enforce obedience thereof, in the performance of his said duties, as belonging and pertaining to courts of law in this territory. Any person refusing access to the traveling auditor and bank examiner to any such books or papers, or any trustee, manager or any officer, agent, clerk, employe, or other person aforesaid, who shall, in any manner hinder the full and complete examination required by this act, of the officers, or of the books, accounts, papers and finances of such moneyed, banking and savings institutions, or pertaining to the county officers aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred dollars (\$500.00), or imprisonment in the penitentiary for a period of not less than six months, or both.

Sec. 11. The traveling auditor and bank examiner shall make a separate written report to the governor of all of his official doings as bank examiner and shall embody therein an abstract of the condition, assets and liabilities of the several institutions, separately by name; with such suggestions and recommendations as he may deem necessary to carrying out the object and intent of this act more effectively.

Sec. 12. All delinquent taxes hereinafter collected on account of taxes levied prior to and including the year 1901, shall be by the several county collectors and treasurers turned into the general county fund and the general school fund of the various counties in which the same are collected, and all such taxes so collected shall be equally distributed for the credit of such funds and the auditor of public accounts is hereby directed to balance and close the accounts of the territory with the various sheriffs and ex-officio collectors, treasurers and collectors, of the territory, for such territorial taxes levied for such years and to give full credit and complete discharge, in the name of the territory, to such collectors and treasurers, sheriffs and ex-officio collectors, and make the proper entries thereof upon his books. And the board of county commissioners of the various counties shall

be, and they hereby are authorized and empowered to make any adjustment, compromise or settlement of such delinquent taxes due and owing to the county, in all cases wherein they may deem it fair and equitable and to the best interests of their several counties, and whenever an order shall be made by any board of county commissioners amending, altering or changing any assessment of property or the amount of taxes to be paid thereon, on presentation of a copy of such order to the treasurer and ex-officio collector of the county, he shall amend, change or alter the tax roll in his office to conform with such order and issue his receipt for the amount of taxes paid in conformity therewith: *Provided, however*, this act shall apply only to taxes levied prior to and including the year 1901; and, *provided, further*, no order so made shall affect any rights which may have been heretofore acquired by purchasers, other than the county, at any tax sale, nor shall it affect any rights of persons holding certificates of sale for taxes purchased from the county. The said board of county commissioners, may if they deem it for the best interest of said county, contract with an attorney at law for the collection of any and all taxes, delinquent and levied and assessed prior to and including the year A. D. 1901.

Sec. 13. All acts and parts of acts in conflict herewith are repealed and this act shall take effect and be in force from and after its passage.

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## CHAPTER 55.

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### AN ACT TO AMEND THE LAWS RELATIVE TO THE SHEEP SANITARY BOARD. *C. B. No. 115; Approved March 14, 1903.*

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- Sec. 1. Section 160, Compiled Laws of 1897, regarding members of sheep sanitary board, Amended.
  - Sec. 2. Sheep. No inspection required when inspected by inspector of department of agriculture.
  - Sec. 3. Sheep coming into the territory. Inspectors to examine as to brands, shipper and to whom shipped. Fees for inspection. Proviso.
  - Sec. 4. Sheep going out of the territory. Inspectors to examine as to brands and marks. Bill of sale required. Fees. Sanitary inspection. Unlawful to ship without bill of clearance. Penalty. Proviso. Inspector to report.
  - Sec. 5. Inspection of sheep driven into territory for grazing purposes. Fee.
  - Sec. 6. Fees collected to be used for expenses of inspection.
  - Sec. 7. Penalty for violating provisions of sections 3 and 4.
  - Sec. 8. Inspection of sheep infected with contagious disease. Procedure when such sheep are found. Penalty.
  - Sec. 9. Tax levy for expenses of sheep sanitary board.

Sec. 10. Section 168, Compiled Laws of 1897, and section 21, chapter 33, Laws of 1899, regarding the levy of a special tax, Repealed.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 160 of the Compiled Laws of New Mexico of 1897, be and the same is hereby amended by striking out the word "three" in the first line thereof and inserting in lieu thereof the word "five" and by inserting the words "and two at large" after the word "districts" in the tenth line.

Sec. 2. The provisions of the act of the Legislative Assembly of the Territory of New Mexico, approved March 10, 1899, which appears as chapter 33 of the printed acts of the legislative assembly at its thirty-third session, are hereby so amended and modified as not to require any inspection of sheep coming into, or going out of, the territory, as to their sanitary condition when such sheep have been inspected by an inspector or an assistant inspector of the bureau of animal industry of the department of agriculture, in accordance with the act of congress entitled "An Act to enable the secretary of agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of live stock and for other purposes," approved February 3rd, 1903, and in accordance with the rules and regulations established, or which may be established from time to time, by the secretary of agriculture under the authority conferred on him by said act, and when such inspector or assistant inspector has issued a certificate showing that he has inspected such sheep in accordance with said act and said rules and regulations and has found them free from any infectious, contagious or communicable disease; but the said act of the legislative assembly of New Mexico shall remain in full force as to all other sheep coming into, or going out of, the Territory of New Mexico.

Sec. 3. It is hereby made the duty of the sheep inspectors carefully to examine all sheep coming into the Territory of New Mexico from any other country, state or territory, for the purpose of ascertaining and making a record of all brands and marks on said sheep and of the name or names of the person or persons shipping or bringing said sheep into the territory, and of the persons to whom, within the territory, the said sheep are shipped or consigned, and reports of such facts shall immediately be made by inspectors to the secretary of the sheep sanitary board, and the owner or person in charge of such sheep shall pay to the inspector a fee of three (3) cents per head for the making of such examination, record and report: *Provided, however,* that in the cases of sheep which have not been inspected by an inspector

or assistant inspector of the bureau of animal industry, as specified in the second section of this act, the fee of five (5) cents per head prescribed in section 5 of the act of the legislative assembly of New Mexico of March 10, 1899, referred to in said second section of this act, shall be considered as including the fee of three (3) cents per head fixed and prescribed by this section for making the examination, record and report aforesaid.

Sec. 4. It is hereby made the duty of the sheep inspectors carefully to examine all sheep about to be shipped or driven out of the territory for the purpose of ascertaining and making a record of all brands and marks upon said sheep, and no sheep bearing any of the marks by the law of this territory declared to be unlawful, shall be allowed to be shipped or driven out of the territory, except under express authority of the sanitary board. The inspector shall also require each person so shipping or driving sheep out of the territory, to exhibit a bill, or bills, of sale, or authority in writing to ship or drive such sheep, executed as now provided by law for live stock from the recorded owner of all marks and brands upon such sheep, unless such person is himself the recorded owner of such marks and brands. The inspector shall make a record, and report to the secretary of the board, of the number of the sheep so shipped or driven out of the territory, of all brands and marks on such sheep and of the facts shown in such bill of sale or authority in writing as aforesaid, and shall give to the person in charge of such sheep a certificate setting forth the said facts, and the said person shall before receiving such certificate, pay to the inspector a fee of five (5) mills for each sheep so inspected. In case of any sheep about to be shipped or driven out of the territory which have not been inspected by an inspector or assistant inspector of the bureau of animal industry and a certificate issued by such inspector or assistant inspector, as specified in the second section of this act, the territorial inspector shall also examine said sheep as to their sanitary condition, and, if fully satisfied that they are free from any contagious or infectious disease, he shall, upon payment to him of a fee of one (1) cent for each sheep, which fee shall be in full for all services performed under this section, give to the person in charge of said sheep a certificate or bill of clearance setting out the performance of everything required by this section, which certificate or bill shall authorize the taking of said sheep out of the territory; and it shall not be lawful for any person, firm or corporation to offer for transportation, nor shall any railroad company in this territory accept or receive for transportation on its lines of railroad from this territory to any place

beyond its boundaries, any such sheep for the transportation of which a certificate or bill of clearance, as herein provided for, is not first obtained and exhibited to the railroad company by the shipper immediately before and at the place of shipment; and any railroad company violating the provisions of this act shall be held liable in the sum of five (5) cents per head for each and every head of sheep received by it for transportation and actually transported from this territory to any place beyond its boundaries without such a certificate or bill of clearance, which sum shall be recovered for the use of the sheep sanitary fund upon the suit of the sheep sanitary board in any court of competent jurisdiction; and, *provided, further*, that in event any judgment should be recovered against any railroad company, for damages because of its compliance with any of the terms of this act, such company shall be reimbursed in the amount of such judgment out of the sheep sanitary fund. The said inspector shall make report to the secretary of the board, of every inspection made by him under the provisions of this section, which said report shall show the name of the shipper, the place of shipment, the place of destination, the number of sheep shipped, their marks, brands and sanitary condition, and the date of shipping, together with name or names of any former owner or owners of such sheep, or any portion thereof, and the substance of the bills of sales made by such former owner or owners exhibited by the shipper, and any additional matters which may be required by the board.

Sec. 5. All sheep shipped or driven into the Territory of New Mexico for the purpose of being grazed during the whole or any portion of the year shall pay a fee of five (5) cents per head, to be collected by the sheep inspector at the time of the coming of said sheep into the territory, or as soon thereafter as it may be discovered that they have so come into the territory, and said fee shall be a lien on said sheep, and when collected, shall be paid into the sheep sanitary fund; and unless such fee is immediately paid or its payment secured to the satisfaction of the inspector, the inspector shall summarily take charge of the flock or flocks of sheep, as under attachment, and report the flocks to the board, and the board shall institute proceedings against said sheep as for the foreclosure of a lien, and against their owner, for the recovery of said fee and all costs and expenses incurred in caring for such sheep while in the custody of the inspector.

Sec. 6. All fees collected under sections 3 and 4 of this act shall be used for the purpose of defraying the cost and expenses of inspections therein provided for and for no other purpose.

Sec. 7. Any person violating the provisions of sections 3 and 4 of this act, whether by shipping or driving sheep out of the territory, without first having obtained the certificate therein provided for, or by failing to pay the fees required by said sections, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), and, in the discretion of the court also by imprisonment not exceeding six months.

Sec. 8. Whenever any inspector shall find any sheep infected with scab or other contagious disease, he shall notify the owner or person in charge of such sheep that he is subject to penalty, not exceeding the sum of one hundred dollars (\$100.00) which shall be a lien on such sheep, and shall immediately report the facts of the case fully to the board, and the board shall instruct the inspector as to the amount of penalty to demand and collect from such owner, or person, or sheep, and if the same be not paid within ten days after demand is made therefor, the inspector in the name of the board, or the board, may enforce the payment thereof by appropriate proceedings in any court of competent jurisdiction, which shall include the district court of the county where the office of the board may be, and the court may give judgment for any amount not exceeding the amount fixed by the board as aforesaid, and the amount so recovered shall be paid into the sheep sanitary fund; but the imposition and collection of the penalty herein provided for shall not be any bar to any criminal prosecution for violation of any other provision of law, nor shall these provisions be held to interfere with or repeal any other statutory remedies or proceedings looking to the suppression of contagious diseases among sheep. The court before which any such case is tried shall, as necessary to a judgment against defendant, require evidence of the existence of scab or other contagious disease among the sheep, of notice by the inspector to the owner or person in charge of the sheep, and of the action of the board in fixing the penalty, but the certificate of the secretary of the board shall be sufficient and conclusive evidence of the action of the board, and a certificate from the inspector, stating the fact, shall be *prima facie* evidence of the existence of scab or other contagious disease among the sheep.

Sec. 9. The sheep sanitary board shall, in each year, order the levy of a tax upon the assessed value of all sheep in the territory. Such order shall be made by the board on or before the first day of July in any year, and shall be certified to the territorial auditor by the secretary of the board, and the amount of such levy shall by said auditor be certi-



fied to the board of county commissioners of each county, and such commissioners shall include said levy in their annual levies of taxes. Such special tax shall be collected in the several counties and paid to the territorial treasurer in the manner provided by law for the collection and payment of other territorial taxes. Such fund shall be kept separately by such treasurer and shall be used exclusively for the payment of any expenses properly incurred by the sheep sanitary board, and such fund shall be paid out by the territorial treasurer on the order of said board only. Such special tax shall be assessed, levied and collected at the expense of the several counties; and in case the county commissioners of any county shall fail or neglect to make the levy provided herein, they shall, each, become personally responsible to said fund in an amount equal to twenty-five per cent. of said levy, to be collected from them and their bondsmen for the exclusive benefit of said fund.

Sec. 10. Section 168 of the Compiled Laws of 1897, and the amendment thereto contained in section 21 of the act of the legislative assembly of New Mexico, referred to in the second section of this act, are hereby repealed.

Sec. 11. All acts and parts of acts in conflict with this act are hereby repealed, and this act shall be in force from and after its passage.

## CHAPTER 56.

AN ACT TO AUTHORIZE AND REQUIRE THE USE OF PENITENTIARY LABOR TO CONSTRUCT A PUBLIC ROAD FROM SANTA FE TO LAS VEGAS. *S. for H. B. No. 121; Approved March 14, 1903.*

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Sec. 1. Public wagon road established between City of Santa Fe and City of Las Vegas.

Sec. 2. Use of penitentiary labor authorized. Appropriation for construction.

Sec. 3. Engineer to be employed to survey route. Superintendent of penitentiary to have charge of work. Proviso.

Whereas, Numerous petitions have been presented to this body signed by a large number of representative citizens and taxpayers, residents of San Miguel and Santa Fe counties, suggesting the wisdom of utilizing convict labor in the building of a public highway between the cities of Santa Fe and Las Vegas, and,

Whereas, In the opinion of said large number of citizens and taxpayers such employment of the unfortunate inmates

of the penitentiary would not only serve to provide said inmates with much needed healthful occupation that could in nowise conflict with the just rights of free labor, but would identify New Mexico with the "Good Roads" movement now so popular throughout neighboring states of the west, initiate a settled policy for dealing with the prison labor problem, so long a mooted question in this territory, and stand as an example which may in time be extended to other parts of the territory, and,

Whereas, Such public road or highway would pass through the United States Pecos river reservation, one of the most beautiful mountain park regions in the world, and render accessible to the people of Santa Fe, San Miguel and Mora counties for the purposes of trade and healthful recreation a section of country now isolated and but little known yet rich in historic associations and resourceful in deposits of gold and copper ores, recently proved veins of merchantable coal, and attractive in its picturesque ranch homes, therefore,

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. There is hereby established a public wagon road from the city limits of Santa Fe, in the County of Santa Fe, to the city limits of Las Vegas, County of San Miguel, which said road shall be constructed over the most feasible route through or near the canon of the Santa Fe river from the court house in the City of Santa Fe, County of Santa Fe, Territory of New Mexico, over the mountain range at the most practicable place to the east of said city and from thence on the route which may be most practicable, as well as most direct, to the court house in Las Vegas, in the County of San Miguel in the Territory of New Mexico.

Sec. 2. The board of penitentiary commissioners and the superintendent of said penitentiary are hereby authorized and required to construct said road by the use of the labor of the penitentiary convicts and the sum of five thousand dollars (\$5,000.00) is hereby appropriated out of any funds in the territorial treasury not otherwise appropriated, payable on the order of the superintendent of the penitentiary from time to time as necessity requires upon warrants drawn through the office of the auditor, for the purpose of employing the necessary extra guards, and the purchase of tools, implements, blasting material, etc., necessary in the prosecution of such work. The said penitentiary commissioners are hereby empowered to adopt a special rule, applicable solely to the convicts employed on the work herein authorized and required, whereby such convicts so employed may be granted

an additional "good time" allowance conditioned upon their good behavior and cheerful compliance with any and all rules that may be promulgated for the management and control of the convicts so employed.

Said work shall commence within sixty days from the approval of this law and prosecuted as speedily as possible consistent with the due and proper management of said penitentiary and other labor required to be done by the convicts therein.

Sec. 3. The Counties of Santa Fe and San Miguel shall employ and pay a competent civil engineer to survey said route, and he shall act under the direction of the superintendent of the penitentiary, select and locate the same, and the superintendent of the penitentiary, shall in person or through his authorized agent, direct the manner and method of carrying on and prosecution of the construction of said public highway:

*Provided*, that until the time said road shall be duly surveyed and located it shall not be required that the said penitentiary authorities shall do anything towards the construction of such road.

Sec. 5. This act shall be in full force and effect from and after its passage.

## CHAPTER 57.

AN ACT PROHIBITING TERRITORIAL OR COUNTY OFFICERS FROM BECOMING SURETIES FOR OTHERS. *H. B. No. 124; Approved March 14, 1903.*

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Sec. 1. Unlawful for territorial or county officers to become surety.

Sec. 2. Violation. Penalty.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That hereafter it shall be unlawful for any territorial or county officer who is required by law to give official bonds to sign any bond or become surety for any other person or persons during the term for which he is required to give official bonds for himself.

Sec. 2. Any violation of the provisions of this act shall constitute a misdemeanor in office, and shall subject the offender to summary removal therefrom.

Sec. 3. All acts and parts of acts in conflict herewith are hereby repealed, and this act shall take effect and be in force thirty days after its passage.

## CHAPTER 58.

AN ACT WITH REFERENCE TO PUBLIC HIGHWAYS IN THE TERRITORY OF NEW MEXICO. *H. B. No. 147; Approved March 14, 1903.*

## CONTENTS.

Sec. 1. All post roads declared to be public roads.

Sec. 2. Obstructing public roads. Penalty.

Sec. 3. Sides of public roads may be fenced. Proviso.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Whereas the Congress of the United States has declared all post roads and roads over which mails of the United States are carried to be public roads, it is therefore likewise declared by this act that all such roads as above described are and shall continue to be public roads and open to the people of this territory.

Sec. 2. It shall hereafter be unlawful for any person or persons to in any manner obstruct any public road in this territory, by putting therein or thereon any obstruction whatsoever, and all persons convicted of a violation of this act shall upon conviction before any court of competent jurisdiction be fined in any sum not to exceed fifty dollars (\$50.00) or be imprisoned in the county jail for a period not to exceed thirty days, and pay all the costs of prosecution, or both such fine and imprisonment at the discretion of the court trying the cause.

Sec. 3. Where any public road in this territory passes over the public lands it shall be lawful for the board of county commissioners to permit the sides of such road to be fenced whenever a majority of the legal voters of the precinct through which said public road passes so desire: *Provided, however,* that said fencing shall not be at the expense of the county in which the road is located.

All acts and parts of acts in conflict with this act are hereby repealed and this act shall be in force and take effect from and after its passage.

## CHAPTER 59.

AN ACT PROVIDING FOR THE REGISTRATION AND USE OF EMBLEMS OR DEVICES UPON BALLOTS FOR VOTERS. *H. B. No. 44; Approved March 14, 1903.*

## CONTENTS.

- Sec. 1. Section 1633, Compiled Laws of 1897, regarding the adoption of emblems by political parties. Amended.
- Sec. 2. Description of ballot. Unlawful for any other political party to use same emblem. Proviso.
- Sec. 3. Penalty for violation of provisions of section 2. Distribution of fines collected. To whom penalties shall apply.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 1633 of the Compiled Laws of the Territory of New Mexico, is hereby amended so as to read as follows: "That hereafter it shall be lawful for the territorial central committee of any organized political party in New Mexico, to select and adopt an emblem or device of such party, to be used only by it, upon all ballots at any election held in this territory, at which said party so adopting the same, shall have candidates for office, or shall espouse or oppose any particular measure or question to be voted upon; when adopted by such committee an imprint and description of said emblem or device shall be certified to by the chairman and secretary of such territorial central committee as the official emblem and device adopted by it, and the same with said certificate shall be sent within ten days of such adoption, to the secretary of the territory, who shall file the same in his office with his certificate of the day and time of its filing, and it shall be the duty of the secretary of the territory within ten days from its receipt by him to send a certified copy thereof to the probate clerk of each county in the territory, and the said probate clerk shall thereupon file the same in his office, making a minute thereon of the date and time the same was received, which said emblem or device shall be open for the inspection of all persons during business hours and such emblem or device shall not be changed within two years from the time of its adoption and shall remain and be known as the emblem or device of the party so adopting it, until the same shall be formally changed by such party, in the same manner as it was originally adopted. The secretary of the territory shall be entitled to a filing fee of one dollar (\$1.00), and to a like amount for each certified copy sent out, to be paid by the person applying to file the same, and the probate clerk of each county shall be entitled to a fee

of one dollar (\$1.00) for filing the same, to be paid by the party applying to file the same."

Sec. 2. It shall be the duty of the persons providing the ballots for the use of the voters of the political party which may have adopted and filed the emblem or device as provided for in section 1, of this act, to cause the same to be printed at the head of the ballot to be used at any election for officers or upon any question to be submitted to the people at any election which may be lawfully called. The name of the party which has adopted the same being printed in large black letters immediately above such emblem or device in either the English or Spanish language, and immediately under such emblem or device shall be printed in black letters the names of the candidates for the several offices to be voted for at such election, as they have been nominated by such party, and the question to be voted upon either in favor of or against the same as may have been determined by the local members of the party which shall have selected such emblem or device either in convention or otherwise to the satisfaction of such party, and it shall be unlawful for any other political party, person or persons to adopt or use any such emblem or device upon ballots or to cause or permit the same to be placed or printed on any ticket or ballot to be voted at any election, or to issue, distribute, or circulate, or cause to be issued, printed, or circulated any ticket or ballot having thereon such emblem or device with any name printed thereon, other than the name or names of the candidate or candidates and the question to be voted on or determined except the name, or names of the candidate or candidates, nominated or selected by the political party who shall have adopted such emblem or device in the manner hereinbefore provided: *Provided*, that nothing in this section shall be construed to prevent or prohibit any voter from erasing or changing by paster, or in any other manner, any name on any such ticket or ballot, voted by such person, nor to prevent any executive committee or other proper authority of such party from having printed upon such ticket or ballot, names of candidates selected by them to fill any vacancy in said ticket caused by the death, withdrawal, removal, or other disability of any candidate of such party.

Sec. 3. Any person or persons violating any of the provisions of section 2 of this act shall be guilty of a felony and shall be tried upon indictment by the district court, and upon conviction shall be punished by imprisonment in the territorial penitentiary, for not less than one year, nor more than five years, and in addition shall forfeit any office which he may hold under the territorial, county, city or town govern-

ment, and to pay a fine of not more than five hundred dollars (\$500.00), one-half of which shall go to the person giving the information against the accused which leads to his conviction, and the other one-half shall go into the court fund of the county in which such person is tried. These penalties shall not apply to or affect any person voting such ballots, but only those guilty of preparing, printing, distributing and circulating the same, as provided in section 2 of this act, and all ballots must be counted and canvassed for the persons or questions voted upon therein. It being the true intent and meaning of this act, that the political party adopting an emblem or device for such party by its territorial committee shall have the exclusive right to use and enjoy the same, in every election throughout the territory in which said party shall participate as such, and vote for officers or upon questions to be determined by ballot.

Sec. 4. All acts and parts of acts in conflict herewith are hereby repealed, and this act shall take effect and be in force thirty days after its approval by the governor.

## CHAPTER 60.

### AN ACT EMPOWERING CITIES TO PROVIDE FOR THE COLLECTION OF GARBAGE. *C. B. No. 83; Approved March 14, 1903.*

#### CONTENTS.

Sec. 1. City councils may pass ordinances regulating collection of garbage.

Sec. 2. Garbage collector. Mayor to appoint. Duties. Salary.

Sec. 3. Rules and regulations. City council to enforce.

Sec. 4. Fees to be paid by householders for collection of garbage.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That whenever in the opinion of the city council of any city in the Territory of New Mexico the enforcing of a general system of garbage collection is necessary for the sanitary welfare of said city, said city council shall have power by ordinance to require every householder of said city to provide and maintain suitable receptacles, and to deposit therein all garbage and waste matter of every sort, and by ordinance to provide the kind, size and material of said receptacles.

Sec. 2. The mayor of said city shall appoint some suitable person as garbage collector of said city and the city council of said city shall prescribe his duties and salary.

Sec. 3. Said city council shall make and enforce all necessary rules and regulations for requiring the depositing of

such waste or refuse matter in such receptacles and for the maintenance thereof, and from and after the passage of an ordinance prescribing such rules and regulations it shall be unlawful for any person to throw, leave or deposit any such waste or refuse matter in any place other than in such receptacles.

Sec. 4. Said garbage collector shall have authority to receive and collect from every householder of such city a sum to be fixed by such city council not to exceed ten (10) cents per week, which when so collected shall be paid by him into the treasury of said city to the credit of a special fund to be called the garbage fund, and such garbage collector shall receive his salary from such fund and no other.

Sec. 5. This act shall be in full force and effect from and after its passage.

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## CHAPTER 61.

AN ACT ENTITLED AN ACT PROVIDING FOR ADDITIONAL MEMBERS OF THE BOARD OF EQUALIZATION. *C. B. No. 91; Approved March 14, 1903:*

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### CONTENTS.

Sec. 1. Board of equalization. Additional members. Appointment.

Sec. 2. Appropriation for expenses of board of equalization.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Hereafter the board of equalization shall be composed of seven members, and in addition to the members now authorized by law the governor shall appoint, with the advice and consent of the council, two persons, who shall be tax-payers of the territory, and serve as members at large of said board of equalization.

Sec. 2. That there is hereby appropriated the sum of one thousand dollars (\$1,000.00) for the expenses of the board of equalization each year in lieu of the annual appropriation of seven hundred and fifty dollars (\$750.00) heretofore made.

Sec. 3. All acts and parts of acts in conflict herewith are hereby repealed; and this act shall take effect and be in force from and after its passage.



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CHAPTER 62.

AN ACT TO AMEND SECTION 2921 OF THE COMPILED LAWS OF 1897, RELATING TO LIMITATIONS OF ACTIONS. C. B. No. 81; *Approved March 14, 1903.*

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CONTENTS.

Sec. 1. Section 2921, Compiled Laws of 1897, regarding limitation of action as to non-residents. Amended.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 2921 of the Compiled Laws of 1897 be and the same is hereby amended to read as follows:

“Sec. 2921. If, at any time after the incurring of an indebtedness or liability or the accrual of a cause of action against him or the entry of judgment against him in this territory, a debtor shall have been or shall be absent from or out of the territory or concealed within the territory, the time during which he may have been or may be out of or absent from the territory or may have concealed or may conceal himself within the territory shall not be included in computing any of the periods of limitation above provided.”

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed, and this act shall take effect and be in force from and after its passage.

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CHAPTER 63.

AN ACT TO PROHIBIT THE DESECRATION OF THE AMERICAN FLAG. C. B. No. 41; *Approved March 14, 1903.*

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CONTENTS.

Sec. 1. Flag. Offering insult to or use of for advertising purposes, prohibited. Penalty.

Sec. 2. Use of imprint of flag for advertising or commercial purposes, prohibited. Proviso.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. The use of the American flag in this territory is prohibited for any other than the purposes for which it was designed by the congress of the United States, and as an emblem of our common country, to be used and displayed only in a seemly and decorous manner in public or private places. And any person who shall by word or act offer any insult to the stars or stripes, or who shall use the same for

advertising purposes by painting, printing, stamping or otherwise placing thereon or affixing thereto any name or object not connected with the patriotic history of the nation or the territory shall be guilty of a misdemeanor and upon conviction by any justice of the peace or district court shall be fined any sum not exceeding one hundred dollars (\$100.00) and by imprisonment in the county jail not exceeding one hundred days, or by both such fine and imprisonment.

Sec. 2. The use of any cut, engraving, or print of such flag as an advertisement of any vocation or business or upon any particular article to be sold is also prohibited under the same penalty as provided in section 1 of this act: *Provided*, that this act shall not be construed to prevent the use of an imprint of the flag as an emblem or device upon ballots to be voted at any election.

Sec. 3. This act shall take effect and be in force thirty days from and after its approval.

#### CHAPTER 64.

AN ACT TO AMEND THE ELECTION LAW OF THE TERRITORY OF NEW MEXICO. *C. B. No. 64; Approved March 14, 1903.*

#### CONTENTS.

Sec. 1. Section 1701, Compiled Laws of 1897, regarding registration for voting. Amended.

Sec. 2. Section 1706, Compiled Laws of 1897, regarding registered persons only being entitled to vote. Amended.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 1701 of the Compiled Laws of 1897, is hereby amended, by adding thereto the following words: "Unless he shall tender to the judges of election an affidavit, signed and sworn to by himself, and by two qualified voters of the precinct in which he offers to vote, showing him to be a qualified voter of such precinct at such election; but his vote may be challenged and he may be examined by such judges touching his qualifications as a voter, notwithstanding such affidavit, and in the event that such judges should determine that he is not a qualified voter at such election, they shall reject his vote, and enter his name, and the names of the persons he offers to vote for, in the manner provided in section 1668 of the Compiled Laws of 1897, for entering rejected votes."

Sec. 2. That section 1706 of the Compiled Laws of 1897, is hereby amended by adding thereto the following words:

"*Provided*, that it shall be lawful for any qualified voter, whose name has been omitted from the registration list, to vote upon presenting to the election judges his affidavit supported by the affidavit of two voters, as provided in section 1701 of the Compiled Laws of 1897, as amended by this act."

Sec. 3. This act shall be in full force and effect from and after its passage.

## CHAPTER 65.

AN ACT TO REGULATE THE ADMISSION OF FOREIGN CORPORATIONS AND PROVIDING A PENALTY FOR CORPORATIONS FAILING TO COMPLY WITH THE LAW. *A. C. B. No. 52; Approved March 14, 1903.*

### CONTENTS.

Sec. 1. Section 445, Compiled Laws of 1897, regarding the admission of foreign corporations and limitation of powers. Amended.

Sec. 2. Section 446, Compiled Laws of 1897, regarding liability of foreign corporations on contracts and penalty. Amended.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 445 of the Compiled Laws of 1897 be amended to read as follows: "Every company or corporation incorporated under the laws of any foreign state or kingdom, or of any state or territory of the United States, beyond the limits of this territory, and now or hereafter doing business in this territory, shall file in the office of the secretary of this territory a copy of its charter of incorporation, or of its articles of incorporation, together with the law or laws under which it is incorporated, each duly certified and authenticated by the proper authority of such foreign state, kingdom or territory. Such company shall, also, before it is authorized or permitted to do business in this territory, make and file with the secretary of the territory a certificate signed by the president and secretary of such company, duly acknowledged, designating the principal place where the business of such company shall be carried on in this territory, and an authorized agent or agents residing at such principal place of business upon whom process may be served. A copy of such charter or articles of incorporation and certificate of place of business and agent, duly certified by the secretary of this territory, shall be filed in the office of the recorder of deeds in the county in which the principal place of business of such corporation shall be. Such corporations shall have the same powers and shall be subject to all the liabilities and duties as corporations of a like character organized under the

general laws of this territory. But they shall have no other or greater powers, and no foreign or domestic corporation established or maintained in any way for pecuniary profit of its stockholders or members, shall purchase or hold real estate in this territory except as provided for in this act and the laws of the territory now existing, and no corporation doing business in this territory, incorporated under the laws of any other state, shall be permitted to mortgage, pledge or otherwise encumber its real or personal property, situated in this territory, to the injury or exclusion of any citizen, citizens or corporations of this territory who are creditors of such foreign corporation, and no mortgage by any foreign corporation except railroad and telegraph companies, given to secure any debt created in any other state, shall take effect as against any citizen or corporation of this territory until all its liabilities due to any person or corporation in this territory at the time of recording such mortgage have been paid and extinguished."

Sec. 2. That section 446 of the Compiled Laws of 1897, be and the same is hereby amended by adding thereto the following words: "And in addition such company or corporation shall be liable to forfeit and pay to the Territory of New Mexico, the sum of fifty dollars (\$50.00) per day for each and every day in which it may carry on business or assume and hold itself out to carry on business in such territory without fully complying with all the provisions hereinbefore provided, such sum to be collected by the solicitor general; and until payment is made such company shall not be allowed to carry on business. Such money, when collected, shall be turned over to the treasurer of the territory, for the benefit of the general school fund."

Sec. 3. All acts and parts of acts in conflict herewith are hereby repealed; and this act shall take effect and be in force from and after its passage.

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## CHAPTER 66.

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AN ACT RELATING TO COUNTY JAILS. *C. B. No. 129; Approved March 14, 1903.*

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### CONTENTS.

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Sec. 1. County commissioners may make special tax levy to provide additional jail quarters.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Whenever any county jail within the Territory

of New Mexico shall contain more than thirty prisoners and in the judgment of the board of county commissioners additional quarters are required for the safekeeping of such prisoners, then such county commissioners shall be authorized to make a special levy upon the taxable property of such county, not exceeding three (3) mills on the dollar, the proceeds of which shall be used for the purpose of constructing such additional quarters for jail purposes so required.

Sec. 2. This act shall take effect from and after its passage.

## CHAPTER 67.

AN ACT TO AMEND SECTION 11 OF CHAPTER 90, LAWS OF 1901, RELATING TO TERRITORIAL BONDED INDEBTEDNESS, AND THE REDEMPTION THEREOF. *A. C. B. No. 23; Approved March 14, 1903.*

### CONTENTS.

Sec. 1. Section 11, chapter 90, Laws of 1901, regarding redeeming of outstanding indebtedness. Amended.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 11 of chapter 90, Session Laws of 1901, approved March 21, 1901, be and the same is hereby amended so as to read as follows:

"Section 11. That at any time within three months prior to the time when any outstanding bond, bonds, or any portion thereof of this territory may become redeemable at the option of the territory by the terms of such bonds, it shall be lawful for the territory to issue refunding bonds to an amount equal to the bonds so becoming optionally due in the form and manner prescribed by chapter 58, sections 1 to 12, of the Session Laws of 1899, bearing four per cent. interest payable semi-annually, and the treasurer with the approval of the governor of the territory shall have authority to sell the same for cash at not less than par to the highest bidder after advertisement for a period of two months in some recognized financial publication in New York City or Chicago, and with the proceeds take up and pay off any outstanding bonds becoming optionally due, or any portion thereof that may bear more than four per cent. interest, which bonds so taken up shall be destroyed and a certificate of such destruction be made and recorded in the manner provided in section 5 of chapter 58, Session Laws of 1899. Such refunding bonds hereby authorized to be issued shall not in any event be con-

sidered as creating any new or additional indebtedness. And when any outstanding bond or bonds or any portion thereof of this territory are about to become absolutely due and payable, and there shall not be funds available in the treasury to redeem and take up the same at their maturity, then it shall in like manner be lawful for the territory to issue its bonds in an equal amount, and for the treasurer with the approval of the governor of the territory to sell and dispose of such refunding bonds to the highest bidder after advertisement for a period of two months in some recognized financial publication in New York City or Chicago, for cash at not less than par at any time within one year prior to the time of maturity of such outstanding bonds and with the proceeds of such sale to take up any such outstanding bonds, or any portion thereof at their maturity in the same manner and under the same regulations as hereinbefore provided for taking up bonds at their optional maturity; or the treasurer may purchase said outstanding bonds about to become due at a rate that will net the territory not less than three per cent. per annum, as he may deem most advantageous to the interests of the territory."

Sec. 2. As there is an urgent necessity for this act, the same shall take effect and be in force from and after its passage.

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## CHAPTER 68.

AN ACT AMENDING SECTION 1 OF CHAPTER 67 OF THE LAWS OF 1901, ENTITLED "AN ACT REGULATING THE ASSESSMENT AND TAXATION OF BUILDING AND SAVINGS AND LOAN ASSOCIATIONS," APPROVED MARCH 20, 1901. *C. B. No. 110; Approved March 14, 1903.*

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### CONTENTS.

- Sec. 1. Section 1, chapter 67, Laws of 1901, regarding manner of listing and assessing building and savings and loan associations, Amended.  
Sec. 2. Assessments or taxes levied since passage of chapter 67, Laws of 1901, declared abated.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 1 of chapter 67 of the laws of the 34th Legislative Assembly of the Territory of New Mexico, entitled "An Act regulating the assessment and taxation of building and savings and loan associations," approved March 20, 1901, be and the same is hereby amended by adding after the words "and neither the association or the shareholders

therein shall be liable to other taxation upon said shares of stock," and preceding the proviso of said section, the following: "Or the mortgages owned by said association upon real estate listed for taxation by the owners thereof."

Sec. 2. That any assessments or taxes levied against any association described in said chapter 67 of the Laws of 1901, made or assessed since the passage of said act, are hereby abated and declared uncollectable, notwithstanding any suit or proceeding brought to recover the same.

Sec. 3. This act shall be in force and effect from and after its passage.

## CHAPTER 69.

AN ACT ENTITLED AN ACT TO CREATE THE COUNTY OF LEONARD WOOD. *H. S. for H. B. No. 162; Approved March 16, 1903.*

### CONTENTS.

- Sec. 1. Sections 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611 and 612, Compiled Laws of 1897, regarding organization of Guadalupe county, Repealed.
- Sec. 2. Leonard Wood county created. Boundaries.
- Sec. 3. County seat established. Erection of buildings for county offices. Duties of county commissioners.
- Sec. 4. Precincts and school districts.
- Sec. 5. County officers. Appointment.
- Sec. 6. Indebtedness of Guadalupe county to be assumed by Leonard Wood county.  
All assets of Guadalupe county to belong to County of Leonard Wood.
- Sec. 7. Bond issue for benefit of Valencia county. Form. Rate of interest.
- Sec. 8. Bond issue for court house and jail purposes, and for current expenses.
- Sec. 9. Adjustment of unpaid taxes and licenses.
- Sec. 10. Collector of Leonard Wood county to collect all unpaid taxes and licenses within former limits of Valencia county.
- Sec. 11. Judicial district. Time of holding court. District attorney. Salary.
- Sec. 12. Legislative districts.
- Sec. 13. Peace officers.
- Sec. 14. Quay, Roosevelt and Leonard Wood counties to be counties of the fourth class.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That chapter 88 of the Session Laws of 1891, entitled "An Act creating the County of Guadalupe out of a portion of the County of San Miguel" and all acts and parts of acts supplemental and amendatory thereto, compiled as sections 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611 and 612 of the Compiled Laws of 1897, be and the same are hereby repealed, and that portion of the Territory of New Mexico, heretofore known as the County of Guadalupe,

except those parts of the County of Guadalupe, out of which there was created and established the Counties of Quay and Roosevelt, is hereby abolished as a county of the Territory of New Mexico.

Sec. 2. That out of that portion of the Territory of New Mexico, which was formerly embraced within the exterior limits of Guadalupe county, except those portions of said Guadalupe county, out of which the counties of Quay and Roosevelt were established and created, and out of a portion of the County of Valencia which lies immediately west of said Guadalupe county, there is hereby created and established the County of Leonard Wood, which said County of Leonard Wood is described as follows, as indicated by the United States survey, to-wit: Commencing at the southeast corner of township two, north of range twenty-six east; thence north along the range line between ranges twenty-six and twenty-seven east, to the northeast corner of township eleven, north of range twenty-six east; thence west along the north line of township eleven, north of range twenty-six east, projected, to the northwest corner of township eleven, north of ranges sixteen east; thence south along the range line between ranges fifteen and sixteen east to the southwest corner of township two, north of range sixteen east; thence east along the south line of township two, north of range sixteen east, projected, to the southeast corner of township two, north of range twenty-six east, to the point or place of beginning.

Sec. 3. That the county seat of the County of Leonard Wood shall be and hereby is established at the town of Santa Rosa in said county; and that the board of county commissioners of said county (hereinafter provided for) shall elect and designate a proper and convenient place in said town, to be donated and granted free of cost to the County of Leonard Wood, for the erection of the permanent buildings of said County of Leonard Wood; and the county commissioners of the County of Leonard Wood, immediately after their qualification, shall provide the necessary quarters for the county officers and the holding of district court, at the county seat of Leonard Wood county, and for that purpose may rent or lease a suitable building or buildings at said county seat, and failure on the part of the county commissioners to perform their duty, as aforesaid, shall be cause for their removal from office by the governor of the territory.

Sec. 4. - The county commissioners provided for under this act, are authorized and empowered to divide said county of Leonard Wood into precincts and school districts and to appoint in each precinct and school district the officers provided by law.



Sec. 5. That on or before the first Monday of May, A. D. 1903, the governor of the Territory of New Mexico shall appoint all of the county officers of the said county of Leonard Wood, and the said officers by him so appointed shall immediately qualify and enter upon the discharge of their duties and shall serve until the election and qualification of their successors, who shall be elected at the next general election for such officers, and the governor shall appoint officers to fill any vacancies that may arise by reason of the failure of any of said officers to qualify within thirty days after their appointment, as aforesaid.

Sec. 6. All obligations of indebtedness of the County of Guadalupe are hereby and shall be assumed by the County of Leonard Wood, and all public improvements and county property, including all moneys, bonds, credits, evidences of indebtedness, records, etc., belonging to said County of Guadalupe, shall be and by this act are made the property of the County of Leonard Wood, and the officers of the County of Guadalupe shall turn over and deliver to the County of Leonard Wood, all such public improvements, county property, including moneys, bonds, credits, evidences of indebtedness, records, etc., on or before the tenth day of May, A. D. 1903; and the officers of the County of Guadalupe shall, on or before the tenth day of May, A. D. 1903, transfer the records of their offices to the corresponding officers of Leonard Wood county, who have succeeded to the offices of Leonard Wood county, formerly held by the officers of Guadalupe county, and failure on the part of any of the officers of the County of Guadalupe to perform their duties, as herein provided, shall render them liable on their official bonds. All obligations due the County of Guadalupe, at this time, or that may become hereafter due, shall be payable to and belong to the County of Leonard Wood, and wherever, in the acts creating the Counties of Quay and Roosevelt, it is directed that the Counties of Quay and Roosevelt pay over and deliver to the County of Guadalupe any moneys or bonds in settlement of their proportion of the indebtedness of Guadalupe county, as may be hereafter determined, the Counties of Quay and Roosevelt shall pay said moneys and deliver said bonds to the County of Leonard Wood.

Sec. 7. It shall be the duty of the board of county commissioners of the County of Leonard Wood, on or before the first day of July, A. D. 1903, to issue coupon bonds in the sum of three thousand dollars (\$3,000.00), of said Leonard Wood county, which shall bear interest at the rate of five per cent. per annum, payable semi-annually, which said bonds shall be payable absolutely twenty years from date, and at the

option of said county, five years from date, and be in amounts of one hundred dollars (\$100.00) each, or multiples thereof, which shall be signed by said board of county commissioners, countersigned by the clerk of said board, attested by its seal and endorsed by the treasurer of the county, and shall be in form approved by the district attorney of the district attorney district of which San Miguel county is a part, and when such bonds are so issued, the same shall be delivered to the board of county commissioners of Valencia county, in final settlement and in full payment of any and all claims said County of Valencia may have or become entitled to by reason of the creation of said Leonard Wood county.

Sec. 8. The County of Leonard Wood may issue bonds, to be known as "Leonard Wood County Court House and Building Bonds," for court house purposes to any amount not exceeding fifteen thousand dollars (\$15,000.00), and for jail purposes to an amount not exceeding five thousand dollars (\$5,000.00), and for current expenses not exceeding five thousand dollars (\$5,000.00).

Sec. 9. Leonard Wood county shall be entitled to have and receive from the Counties of Guadalupe and Valencia all unpaid taxes for the year A. D. 1902, and in the case of Guadalupe county, to all the unpaid taxes whatsoever, not heretofore set aside and turned over to the Counties of Quay and Roosevelt, by the acts creating the counties of Quay and Roosevelt, which taxes have been levied or assessed upon or against property within the former limits of Guadalupe and Valencia counties and which by this act are set off from said Counties of Guadalupe and Valencia and has become Leonard Wood county; and the treasurer and collector of Leonard Wood county shall collect and receipt for the same as the treasurers and collectors of Guadalupe and Valencia counties might have done had said property remained within the limits of the Counties of Guadalupe and Valencia, and Leonard Wood county shall be entitled to and shall receive from Guadalupe and Valencia counties such proportion of the moneys received from licenses, issued by Guadalupe and Valencia counties, in force in Leonard Wood county during any part of the year A. D. 1903, as such unexpired term of each license shall bear to the whole term for which such license was issued; and all taxes already paid into the treasury of Valencia county upon property located within the limits of Leonard Wood county shall be credited upon the proportion of the debt of Valencia county and to be paid by Leonard Wood county.

Sec. 10. On or before the first day of June, A. D. 1903, the collector of the County of Valencia shall deliver to the county commissioners of Leonard Wood county a list of all

delinquent taxes and unpaid licenses and also a list of all taxes which will become due on July first, A. D. 1903, upon property within the limits and upon personal property belonging to persons resident within the limits of Leonard Wood county, who were formerly within the limits of Valencia county, and the county collector of Leonard Wood county shall proceed and collect said taxes and licenses as required by law and they shall become and be the funds of Leonard Wood county.

Sec. 11. Said Leonard Wood county is hereby attached to the fourth judicial district of the Territory of New Mexico for judicial purposes, and district court for the trial of causes arising under the laws of the Territory of New Mexico shall be held at the county seat of said county by the judge of said court, beginning on the second Monday of April and the second Monday of October of each year, there being a sufficient amount in the court fund of said county therefor, and special terms of said court may be held when convened in accordance with law. Causes, civil and criminal, now pending in the Counties of Guadalupe and Valencia, which arose within the limits of Leonard Wood county, shall proceed to indictment and trial in the County of Leonard Wood. The district attorney for the district attorney district of which the County of San Miguel is a part, shall be the district attorney for Leonard Wood county, and shall be entitled to a salary from said Leonard Wood county of two hundred and fifty dollars (\$250.00) per annum, payable quarterly.

Sec. 12. The County of Leonard Wood, for legislative purposes shall be attached to the———council and the———house districts, until otherwise provided by law.

Sec. 13. Until the appointment and qualification of the peace officers of Leonard Wood county, the peace officers of the Counties of Guadalupe and Valencia shall continue to exercise authority as before this act, and shall have jurisdiction as heretofore.

Sec. 14. That the Counties of Quay, Roosevelt and Leonard Wood, are hereby declared to be counties of the fourth class.

Sec. 15. This act shall be in force from and after its passage.

## CHAPTER 70.

AN ACT TO CREATE THE COUNTY OF TORRANCE AND TO PROVIDE FOR THE GOVERNMENT THEREOF. *C. B. No. 122; Approved March 16, 1903.*

## CONTENTS.

- Sec. 1. Torrance county. Creation. Boundaries.
- Sec. 2. County seat. Location.
- Sec. 3. Returning board. Appointment. Duties and powers.
- Sec. 4. County of the fourth class. Salaries of county officers.
- Sec. 5. Precinct and school districts, and officials.
- Sec. 6. Legislative district. Representation.
- Sec. 7. Judicial district.
- Sec. 8. District attorney.
- Sec. 9. Bond issue to pay indebtedness due County of Valencia. Form. Maturity. Rate of interest.
- Sec. 10. Indebtedness due other counties to be adjusted.
- Sec. 11. Bond issue for court house and jail purposes, and current expenses.
- Sec. 12. This act in force January first, 1905.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That a county, which shall be known as Torrance county is hereby created out of that portion of the Territory of New Mexico, included within the following boundaries, as indicated by United States surveys, to wit:

Commencing at the southwest corner of township one north, range six east of the New Mexico Principal Base Line, and running thence north on the range line, between ranges five and six east, to the northwest corner of township seven north, range six east; thence east on the township line between townships seven and eight north to the southeast corner of township eight north range seven east; thence north on the range line between ranges seven and eight east to the northwest corner of township eight north, range eight east, thence west along the Second Standard Parallel North to the southwest corner of township nine north, range seven east; thence along range line between ranges six and seven east to the northwest corner of township nine north, range seven east; thence east on the township line between townships nine and ten north, to the northeast corner of township nine north, range eleven east; thence south on the range line between ranges eleven and twelve east, to the corner of sections thirteen, eighteen, nineteen and twenty-four; thence east, through the middle of township nine north ranges twelve, thirteen, fourteen and fifteen east, to corner of sections thirteen, eighteen, nineteen and twenty-four on the range line between ranges fifteen and sixteen, township nine north;

thence south on the range line between ranges fifteen and sixteen east to the corner of township one north, between ranges fifteen and sixteen east on the New Mexico Principal Base Line; and thence west along said New Mexico Principal Base Line to the southwest corner of township one north of range six east, the place of beginning.

Sec. 2. The county seat of the County of Torrance shall be and the same is hereby located at Progreso in said county.

Sec. 3. On the first day of August, 1904, the governor of the Territory of New Mexico shall appoint three qualified persons, legal voters within the County of Torrance as a returning board, whose duties shall be the same as county commissioners in regard to the appointment of boards of registration and judges of election in the said County of Torrance and whose duty it shall be to call and give notice of the holding of a general election, at the time and in the manner now prescribed by law. The members of the said returning board before entering upon the discharge of their duties shall take the oath of office before some officer qualified to administer oaths, as provided for county commissioners, and the said returning board when so appointed and qualified as herein provided, shall have the same power and authority as to receiving, canvassing and certifying the returns of the general election to be held on the first Tuesday after the first Monday of November, 1904, for county officers of said county as is now conferred by law upon county commissioners of the several counties of this territory, and the said returning board shall serve in such capacity without compensation for their services.

Sec. 4. That said County of Torrance so established shall, with reference to the salaries of officers be a county of the fourth class as defined in and provided for by the act entitled "An Act to provide for the compensation of county officers, and for other purposes, approved March 18th, 1897," and the salaries and emoluments of the officers of said county shall be such as are in said act provided for officers of counties of the fourth class.

Sec. 5. The precincts and school districts now existing in the territory included in such county, and the officials thereof shall remain the same as they now are until changed by law.

Sec. 6. For legislative purposes, the said County of Torrance is hereby attached to and made a part of the sixth council and the tenth legislative districts, and jointly with the County of Valencia shall elect one councilman and two representatives to the territorial legislature.

Sec. 7. The said County of Torrance is hereby attached

to the second judicial district for judicial purposes, and the district court for the trial of causes arising under the laws of the territory shall be held therein by the judge of said court at such times as may be prescribed by law.

Sec. 8. That the district attorney for the County of Bernalillo shall also be the district attorney for the county of Torrance.

Sec. 9. That the said County of Torrance shall assume and pay to the County of Valencia from which the said County of Torrance has been partly segregated and organized, one-third ( $\frac{1}{3}$ ) of the existing and outstanding legal and valid indebtedness of the said County of Valencia, less the value of moneys on hand in said County of Valencia to pay such indebtedness, and for this purpose the said County of Torrance may issue bonds in whatever sum may be necessary said bonds to run for the period and become due and payable in twenty years from the date of their issuance; but payable at the option of the said county at any time after the expiration of ten years, said bonds to be in the usual form and in the sum of one hundred dollars (\$100.00) or any multiple thereof; and the said bonds shall bear interest at the rate of not to exceed six per cent. per annum until paid, the interest payable semi-annually. And the county commissioners of said County of Torrance are required annually when other taxes are levied and collected, to levy and cause to be collected upon all taxable property of said county, a sum sufficient to pay said interest, and such proportion of the principal as shall be necessary to pay said bonds at maturity, or sooner if it be elected to do so, as herein provided, and for the purpose of paying its share of the foregoing pro rata indebtedness. The bonds authorized in this act shall specify for what purpose or account they are issued.

Sec. 10. The indebtedness of the other counties from which the said County of Torrance has been segregated and organized, shall remain and be adjusted and settled as to those counties as now provided by law.

Sec. 11. The County of Torrance after its organization, may issue bonds for court house purposes to an amount not exceeding twenty-five thousand dollars (\$25,000.00) and for jail purposes to an amount not exceeding five thousand (\$5,000.00) and for the current expenses until taxes are levied and collected to an amount not exceeding five thousand dollars (\$5,000.00).

Sec. 12. This act shall be in full force and effect from and after the first day of January, A. D. 1905, except as to the provisions thereof, which require action at an earlier date, and as to such provisions they shall take effect on such earlier

dates, and all laws and parts of laws in conflict herewith are hereby repealed.

## CHAPTER 71.

AN ACT FIXING THE TIMES OF HOLDING THE DISTRICT COURTS IN THE COUNTIES OF TAOS, LINCOLN, M'KINLEY AND THE FIRST JUDICIAL DISTRICT. *H. B. No. 164; Approved March 16, 1903.*

### CONTENTS.

Sec. 1. Term of court in first judicial district, San Juan, Rio Arriba and Taos counties.

Sec. 2. Term of court in McKinley county.

Sec. 3. Term of court in Lincoln county.

Sec. 4. All writs issued by district courts returnable at the times and places designated in sections 1, 2 and 3.

Sec. 5. Terms of district courts in other counties to remain unchanged.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. In the first judicial district and in the County of Santa Fe, at the county seat of said county, commencing on the first Monday of March and September of each year; in San Juan county at the county seat of said county commencing on the second Monday of April and October of each year; in the County of Rio Arriba, at the county seat of said county, commencing on the fourth Monday of April and October of each year; in the County of Taos at the county seat of said county, commencing on the third Monday of May and November of each year.

Sec. 2. That the terms of the district court in and for the County of McKinley, shall be begun and held at the county seat of the said county on the first Monday of June, and the third Monday in November of each year.

Sec. 3. That the terms of the district court in and for the County of Lincoln, shall be begun and held at the county seat of the said county on the first Monday of March and the first Monday of September of each year.

Sec. 4. Every writ, summons, bond, recognizance, subpoena, venire, or other process whatever which has been issued or taken out from any district court for any district or county, shall be returnable at the times and places designated in sections 1, 2 and 3 of this act, and shall have the same force and effect as if the same had been made returnable at the time and places mentioned in said sections 1, 2 and 3 of this act.

Sec. 5. All other terms of the district court in the several

counties of this territory, shall be begun and held as heretofore provided by law.

Sec. 6. All acts and parts of acts in conflict herewith are hereby repealed; and this act shall take effect and be in force from and after its passage.

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## CHAPTER 72.

AN ACT TO AMEND SECTION 1534, COMPILED LAWS OF 1897.  
*H. B. No. 106; Approved March 17, 1903.*

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### CONTENTS.

Sec. 1. Section 1534, Compiled Laws of 1897, regarding powers and duties of school directors in levying tax. Amended.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 1534, Compiled Laws of 1897, is hereby amended by adding thereto the following proviso: "*Provided, that any school district, upon a majority vote of the legal tax payers thereof, at a regularly called election for the purpose, may have power to levy for school purposes not to exceed seven and one-half (7.5) mills, including the five (5) mill levy hereinbefore authorized for such purpose.*"

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed, and this law shall take effect thirty days after its passage and approval by the governor.

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## CHAPTER 73.

AN ACT PROVIDING FOR THE APPRAISEMENT OF DAMAGE COMMITTED BY ANIMALS OF KNOWN OWNERS UPON CULTIVATED FIELDS AND FENCED LAND, REGULATING THE SAME, AND FOR OTHER PURPOSES. *H. B. No. 128; Approved March 17, 1903.*

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### CONTENTS.

Sec. 1. Owners of animals damaging fields liable. Appraisement of damage.

Sec. 2. Appraisers. Duties and compensation.

Sec. 3. Procedure in case of execution upon damaging animals when owner neglects or refuses to appear. Proviso.

Sec. 4. Fees of justice of the peace.

Sec. 5. Animals to which provisions of this act shall apply.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. All damage or injury done to any cultivated fields



sown with grain, corn, vineyards, orchards, alfalfa or other sown domestic grasses, and to all lands fenced and enclosed as now required by law in this territory, shall be paid for by the owner of the animals committing said damage or injury after such damage shall have been appraised or valued by the parties interested or in case of dispute by two appraisers appointed for the purpose, one by each of said parties, and in case of dispute between said appraisers they shall appoint a third appraiser who shall decide said matter. If the owner of the animals is not satisfied with the decision of said appraisers, he shall notify the justice of the peace of his precinct if such justice of the peace is not an interested party or in any way biased or prejudiced, and if such justice of the peace is an interested party or is biased or prejudiced against the owner of said animals, or if there is no justice of the peace in said precinct, then he shall notify the justice of the peace of the nearest precinct. It shall be the duty of the justice of the peace so notified to immediately appoint three disinterested persons residents of the precinct where the damage is committed, as appraisers to appraise and value such damage. The said appraisers so appointed shall first be sworn by said justice to faithfully examine the fields where the damage was done and to appraise such damage justly and equitably. If the owner of the damaging animals after having been duly notified by the party whose fields have been damaged, neglects or refuses to act according to the provisions hereof, within reasonable time, or if at any time he fails to proceed accordingly and satisfy such damage, then such damaged person shall bring the matter before the justice of the peace as herein required of the owner, who shall act as though notified by the owner of the damaging animals as herein provided.

Sec. 2. The appraisers appointed by the justice as above provided shall, if necessary, examine witnesses under oath, one of them to administer the oath to the witness so to be examined before such testimony is taken. They shall also carefully and faithfully examine the fields damaged. They shall make a written report, signed by at least two of said appraisers, to said justice of the peace, showing the amount of damage done as found by them together with their costs of one dollar (\$1.00) per day each for the time actually employed, which time in no case shall exceed two days. Such report shall be made within two days after their finding is made and the justice shall immediately enter upon his records such report and findings with the costs, and at once notify the owner or owners or any agent thereof of such proceedings and findings by posting notices thereof in at least three conspicuous

places in his precinct and in the precinct where such owners or their agents reside for at least five days. He shall also serve a copy of such notice upon the owner or owners of such damaging animals or his or their agents.

Sec. 3. If the owner or agent neglect or refuse to appear and pay the amounts of such finding and the costs, the justice of the peace, shall within three days after the expiration of such five days, proceed to issue his writ of execution to the constable of his precinct and in case there is no constable or if for any reason said constable is unable to serve as such, said justice shall appoint a disinterested person to act as constable for such purpose. Said writ shall command such constable to forthwith take up and keep a sufficient number of the damaging animals which said sufficient number shall first be determined by the justice and of the damaging animals those to be thus taken up shall be numbered and described in such writ, to answer for the damage according to the findings of the appraisers and for all accrued costs and to levy execution thereon to satisfy such finding and all accrued costs unless the same be satisfied as herein provided. Such officer in the execution of such writ shall if necessary break open any gates or other inclosures for the purpose of taking such animals as are named and described in said writ and as soon as he takes the same he shall feed, and otherwise take good care of them as long as said animals are in his possession and he shall immediately post at least three notices in conspicuous places in his precinct and in the precinct where the owner or agent of such animals resides, for three days stating thereupon in short and comprehensive language the seizure of such animals and his authority therefor, and the amount of damage found to be due by the appraisers, the name of the owner of such animals, the amount of accrued costs and the aggregate amount of such sums due, and notifying the owner or owners or any of their agents that unless they or either of them redeem the same by paying all the sums due as herein provided within three days, that the same or as many of the same as are necessary to satisfy such damage and costs, will be sold by him at public sale at the front door of the office of the justice of the peace issuing the execution. Upon the fourth day if such animals have not been thus redeemed he shall proceed to sell the same at public auction at the front door of such justice's office to the highest and best bidder for cash, and when thus sold he shall give good and sufficient bill or bills of sale to the purchaser or purchasers thereof and within two days after such sale he shall make his return and report to said justice of the peace and likewise turn over all moneys derived from such sale,

which money thus derived shall be applied to the payment of such damage and costs and the balance, if any, shall be by such justice of the peace turned over to the owner or owners of such animals or to the agent thereof: *Provided, however*, that the owner or owners of the animals thus sold may redeem the same at any time within three months after such sale if such animals are still alive by paying to the purchaser or purchasers thereof or to their legal representatives in possession of said animals twice the amount of the price paid therefor at said public sale and at the rate of fifteen (15) cents per day for each and every day kept by such purchaser or purchasers or their legal representatives: *Provided, further*, that after three months from the date of such sale such animals are not redeemable and such sale shall become absolute.

Sec. 4. The fees of the justice of the peace in the cases mentioned in this act shall be as follows and no more: For receiving the case and entering it in his record, five (5) cents; for appointing each appraiser and swearing him, ten (10) cents; for posting and serving all the notices required herein ten (10) cents; for receiving the findings of the appraisers and recording the same, twenty-five (25) cents; for issuing the execution and receiving the return of the constable including all other records, matters and things, fifty (50) cents. The constable shall receive for his fees as follows, and nothing more: For serving the writ of execution one dollar (\$1.00); for making the sale of each animal twenty-five (25) cents if less than ten, and if more than ten fifteen (15) cents, for making his report herein required and turning all the moneys, to the justice of the peace, etc., twenty-five (25) cents; for taking care of each animal for each day, twenty-five (25) cents, if less than five animals, if more than five and less than ten animals, fifteen (15) cents and if more than ten animals five (5) cents each.

Sec. 5. The provisions of this act shall only apply to damaging animals of known owners and shall in no way conflict with the existing laws regarding animals of unknown owners and it shall only apply to such animals as horses, cattle, mules, oxen, burros, sheep and goats. .

Sec. 6. All laws and parts of laws in conflict with the provisions hereof be and the same are hereby repealed and this act shall be in force and effect from and after May first, A. D. 1903.

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CHAPTER 74.

AN ACT TO AMEND SECTION 1543, COMPILED LAWS OF 1897, RELATIVE TO SPECIAL LEVIES FOR SUCH SCHOOL PURPOSES. *H. B. No. 115; Approved March 17, 1903.*

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CONTENTS.

Sec. 1. Section 1543, Compiled Laws of 1897, regarding special tax levies by boards of directors. Amended.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 1543, Compiled Laws of 1897, is hereby amended to read as follows: "That a special levy, not exceeding seven and one-half (7.5) mills, may be levied by the district board in the same manner as such levy is made for general expenses in section 1535, title 11, chapter 1, Compiled Laws of 1897, to be used as a sinking fund for the payment of outstanding bonds and for enlarging school houses or building additional school buildings: *Provided*, no levy shall be made for the creation of a sinking fund at less period than ten years after such bonds have been issued. The sinking fund may be applied by the directors to the purchase and cancellation of outstanding bonds of the district and to the building of additional school houses or the enlargement of their present school buildings."

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed, and this act shall take effect in thirty days after its passage and approval.

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CHAPTER 75.

AN ACT TO PROVIDE FOR AN ASSISTANT SECRETARY FOR THE TERRITORY OF NEW MEXICO. *H. B. No. 55; Approved March 17, 1903.*

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CONTENTS.

Sec. 1. Office of assistant secretary created. Appointment. Salary. Qualification.

Sec. 2. Assistant secretary. Powers.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. The secretary of the territory is hereby authorized to appoint his chief clerk to be assistant secretary, at a salary of three hundred dollars (\$300.00), per year, payable monthly out of any territorial funds appropriated for miscellaneous expenses of the secretary's office. Such assistant

secretary shall, before entering upon the discharge of his duties give bond to the territory in the sum of five thousand dollars (\$5,000.00), which bond shall be approved by the secretary of New Mexico and filed in his office, and shall take and subscribe an oath of office as required by law.

Sec. 2. The assistant secretary shall have power, in the absence of the secretary, to file all instruments required by the laws of New Mexico to be filed in the office of the secretary of New Mexico, and to certify to copies thereof, under his hand and the great seal of the territory, with the same force and effect as if the same had been filed or certified by the secretary of the territory.

Sec. 3. This act shall be in force from and after its passage.

## CHAPTER 76.

AN ACT ENTITLED AN ACT TO AMEND SECTION 1067 OF THE COMPILED LAWS OF 1897 RELATING TO THE MANNER IN WHICH THE DEATH PENALTY SHALL BE INFLICTED. *H. B. No. 110; Approved March 17, 1903.*

### CONTENTS.

Sec. 1. Section 1037, Compiled Laws of 1897, regarding the manner of inflicting the death penalty. Amended.

Sec. 2. Limitation on number who shall witness execution.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Section 1067 of the Compiled Laws of 1897 is hereby amended by adding to said section the following: "And such execution shall be conducted privately, the sheriff conducting the same shall erect an inclosure within which said inclosure said execution shall take place, and the board of county commissioners in any county in this territory where it shall become necessary under the law to have an execution is hereby authorized and empowered to expend the necessary sum of money to erect such an inclosure as shall be private and not open to the public except as hereinafter provided: *Provided, further,* that the expenditure for such inclosure shall in no instance exceed the sum of two hundred dollars (\$200.00)."

Sec. 2. Hereafter executions in this territory shall not be witnessed by to exceed twenty persons including members of the medical profession, officers of the law, clergymen and representatives of the press, the said list to be prepared by the sheriff and approved by the judge of the district court.

This act shall take effect and be in force from and after its passage.

## CHAPTER 77.

### AN ACT IN RELATION TO THE MANAGEMENT OF THE TECOLOTE LAND GRANT. *H. B. No. 208; Approved March 17, 1903.*

#### CONTENTS.

- Sec. 1. Board of trustees. To manage and control.
- Sec. 2. Members of board of trustees. Qualifications.
- Sec. 3. Election of board of trustees. Notice to be published. Qualification of voters. Term of office.
- Sec. 4. Board of trustees. Organization. Duties of president, secretary and treasurer.
- Sec. 5. Powers of board.
- Sec. 6. Meetings of board. Special meetings may be called. Compensation.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That the management and control of that certain tract of land, known as the Tecolote land grant, situated in the County of San Miguel in the Territory of New Mexico and patented by the United States to the Town of Tecolote, is hereby vested in a board of trustees, to be elected as hereinafter provided, which said board of trustees shall be a body corporate under the name of the Board of Trustees of the Tecolote land grant, and with full power under such name to sue and be sued and with the further powers hereinafter enumerated.

Sec. 2. Members of such board of trustees shall be residents and owners of real estate within the limits of said Tecolote land grant.

Sec. 3. Upon petition of not less than twenty residents or owners of real property within said Tecolote land grant, it shall be the duty of the board of county commissioners of San Miguel county, to order an election to be held for the choice of such trustees and fix the time and place thereof, and to give ten days' notice of such election by publication in some newspaper of general circulation in said San Miguel county. At such election all actual residents within the limits of said Tecolote land grant, who are owners of real estate within the same and qualified electors at the general election held in this territory shall be qualified electors, and the five persons receiving the highest number of votes at such election, shall be by said board of county commissioners declared trustees of said grant and shall hold their offices for the term of two years and until their successors are elected

and qualified. The vote at said election shall be canvassed by said board of county commissioners, of San Miguel county, and said election shall be conducted in all respects as now provided by law for general elections in this territory, except that no registration shall be necessary. Upon the expiration of the term of office of the trustees herein provided for, it shall be the duty of said trustees to call an election for the choice of their successors, which election shall be conducted as hereinbefore provided.

Sec. 4. Said board of trustees shall chose one of their number as president, and one as secretary and treasurer, who shall hold their offices for the period of two years and shall give bond for the faithful performance of their duties, in such sum as may be determined by said board. It shall be the duty of the president to preside at the meeting of said board and to act as the executive officer thereof, and to take such action as may be necessary for the carrying out of the rules and orders of such board. It shall be the duty of the secretary and treasurer to keep a record of the proceedings of such board, to sign, with the president, all warrants for the payment of money and to have the custody of all funds, moneys and papers belonging to said board.

Sec. 5. Said board of trustees shall have the following powers: First, to control and manage the Tecolote land grant, to prohibit and regulate the cutting of timber, and grazing of stock upon the same. Second, to recognize and confirm by deed of conveyance all bona fide adverse holdings of real estate on said grant. Third, to lease such portion of said grant, as to them may seem to be to the best interest thereof, and to fix the rent and term thereof. Fourth, to adopt a corporate seal, which shall be used in the testing of all official acts and doings of said board of trustees. Fifth, to adopt rules of procedure, to make any and all rules and regulations necessary for the proper carrying out of the powers hereby granted and to have and exercise all rights and powers incidental to the powers hereinbefore granted.

Sec. 6. The regular meetings of said board of trustees shall be held on the first Monday of each alternate month, special meetings may be held at any time on the call of the president, members shall be entitled to receive the sum of two dollars (\$2.00) per day for attending regular meetings to be paid by such board of trustees, and all costs and expenses of the election hereinbefore provided for, shall likewise be paid by said board of trustees.

Sec. 7. All acts and parts of acts in conflict herewith are hereby repealed, and this act shall be in full force and effect from and after its passage.

## CHAPTER 78.

AN ACT WITH REFERENCE TO THE SELECTION, SEGREGATION, LEASING AND SALE OF THE LANDS HERETOFORE DONATED BY THE UNITED STATES TO THE TERRITORY OF NEW MEXICO FOR INSTITUTIONAL, IRRIGATION AND OTHER PURPOSES.  
*C. B. No. 113; Approved March 17, 1903.*

## CONTENTS.

- Sec. 1. United States land commission. Compensation. Locating agent. Appointment. Duties. Salary. Shall give bond. Powers of commission.  
Sec. 2. Salaries and expenses to be paid out of sale or lease of lands.  
Sec. 3. Money advanced to be repaid.  
Sec. 4. Lands to be sold to reimburse territory for amounts appropriated. Section 32, chapter 69, Laws of 1901. Amended.  
Sec. 5. All moneys derived from sales or leases to be paid to territorial treasurer.  
Sec. 6. Section 5, chapter 69, Laws of 1901. Amended. Commissioner of public lands. Salary. Expenses. Accounts to be filed with auditor.  
Sec. 7. All leases of lands donated for improvement of Rio Grande or for reservoirs to be cancelled. Applications not to be received. Refund of money.  
Sec. 8. Duties of commissioner of public lands.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That for the purpose of enabling the United States land commission, created by the act of congress of June 21st, 1898, for the selection of land donations within the Territory of New Mexico to proceed with its duties, and complete the selection of lands donated under said act of congress, each member of said commission as now constituted is hereby allowed as compensation for his services as such the sum of five hundred dollars (\$500.00) per annum, payable monthly. The locating agent of the said commission shall perform such duties as may be required of him by said commission, including the selection of all lands, the preparation of all field notes, descriptions, maps, plats, lists, statements and office work in connection with the duties of such locating agent, and shall receive in full compensation for such service a salary of eighteen hundred dollars (\$1,800.00) per annum, payable monthly; and, in addition to such salary he shall be allowed his actual and necessary traveling expenses, and actual and necessary expenses in the field, while engaged on business of said land commission, as such selecting agent, and shall give a bond to the Territory of New Mexico in the sum of five thousand dollars (\$5,000.00), conditioned for the faithful performance of all his duties and true rendering of all accounts, which bond shall be made by some surety company authorized to do business in the Territory of New Mexico, and shall be approved as to form by the solicitor general of the terri-



tory. The said commission is further authorized to procure the necessary stationery, supplies and clerical assistance for the proper conduct of the affairs of the commission, and shall be allowed therefor a sum not more than one thousand dollars (\$1,000.00) in any one year.

Sec. 2. For the purpose of paying the salaries and expense of locations, etc., the lands selected and located by the said commission are charged with the payment thereof, out of the proceeds of the sale or leases of the same, to be paid by the territorial treasurer upon the warrant of the territorial auditor, to be issued upon itemized and verified accounts filed with the said auditor.

Sec. 3. For the purpose of reimbursing the various persons who have advanced, or may hereafter advance the moneys required for the location of any of the lands granted for the benefit of the various territorial institutions, reservoirs and improvements in the flow of the Rio Grande, the board of public lands is hereby authorized and directed to allow, as a credit on the purchase or lease of lands such amounts so advanced, to be evidenced by the books and receipts of the said United States land commission, and to be charged as a part of the actual and necessary expenses in procuring, selecting and administering the donations under said act of congress of June 21st, 1898, as now provided by law; and all sums of money heretofore advanced for the locating and lease and sale of lands, which said locations, or the leases or sales of which have not been and shall not be finally approved, or which may be cancelled or disapproved under the further provisions hereof, shall be returned to said persons so making said advances.

Sec. 4. The commissioner of public lands and the board of public lands of the Territory of New Mexico shall proceed, at as early a date as possible, to cause to be sold the lands of the various institutions, except the University, for the purpose of reimbursing the Territory of New Mexico for the amount appropriated in cash for such various territorial institutions by the 35th legislative assembly, and for the purpose of paying to each of said institutions the amount in excess of such appropriations, as provided in said appropriation act; and are hereby directed to pay into the hands of the territorial treasurer, and to the credit of the various institutions, all sums derived from such sales; and section 32 of chapter 69 of the acts of the legislative assembly of the Territory of New Mexico of 1901 is hereby amended by striking out the figures "50" in the fifth line of such section, and inserting in lieu thereof the figures "75."

Sec. 5. Hereafter all moneys derived from approved

leases, sales, etc., of territorial lands, shall be paid to the territorial treasurer by the commissioner of public lands, on the first day of each month, to the credit of the several funds entitled to receive the same and to furnish to said territorial treasurer an itemized statement which will enable the latter official to keep the correct accounts with the various territorial institutions and with the permanent reservoir fund and the improvement of the Rio Grande fund.

Sec. 6. Section 5 of chapter 69 of the Laws of 1901, with reference to the contingent expenses of the board of public lands, is hereby amended by striking out the words and figures "fifteen hundred dollars (\$1,500.00)" and inserting in lieu thereof "one thousand dollars (\$1,000.00)," and hereafter the salary of the commissioner of public lands, and the contingent expenses of his office, shall be paid upon a warrant drawn by the territorial auditor upon the territorial treasurer, out of the public land funds, proportionately out of each of said funds; and the commissioner of public lands shall file with the territorial auditor an itemized statement and account of all such contingent expenses before the warrant shall issue for the payment thereof. Said itemized account of such expenditures, as well as the itemized account of contingent expenses of the United States land commission, and of the locating agent, to be made under oath.

Sec. 7. The commissioner of public lands and the board of public lands of the Territory of New Mexico are hereby ordered and directed to cancel all leases entered into or approved by them for the leasing of lands donated for the improvement of the Rio Grande in New Mexico or the surface flow thereof, except such leases, if any, as have heretofore been approved by the secretary of the interior, or are now in his office for approval; and the said officers are hereby directed to cancel all leases of lands donated for reservoirs for irrigation purposes, heretofore made by them, if any, except contracts heretofore made by them for the location of lands under reservoir sites, and approved by the secretary of the interior, or now pending with that official for approval. And the said officers are further directed not to accept applications for the leasing of any lands donated for water reservoirs for irrigating purposes or for the improvement of the Rio Grande or the surface flow thereof, and, further, to return to all parties who have heretofore made application for the leasing of any such lands, which applications are hereby directed to be cancelled, all sums of money paid by any such parties upon such leases. Said moneys to be so repaid out of any moneys now on hand in the permanent reservoir fund

or improvement of the Rio Grande fund, or out of any moneys hereafter coming into such funds, respectively.

Sec. 8. The commissioner of public lands shall immediately procure from said United States land commission for the location of lands under said act of congress, and keep in his office, a transcript of all selections if he should not now have the same, and shall also enter at once upon the record book in his office, the approval, by the secretary of the interior, when made, of all locations of lands for institutional or other purposes, and also the action of the secretary of the interior in approving or disapproving any leases or sales of any such lands.

Sec. 9. This act shall be in force and effect from and after its passage.

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## CHAPTER 79.

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AN ACT ENTITLED "AN ACT TO PROVIDE FOR ADJUSTING THE INDEBTEDNESS OF LUNA COUNTY TO GRANT COUNTY."  
*H. S. for H. B. No. 34; Approved March 17, 1903.*

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### CONTENTS.

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Sec. 1. Commission to assemble and ascertain total amount of indebtedness due Grant county.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. For the purpose of adjusting the indebtedness due by Luna county to Grant county, and to fix a basis for the settlement thereof, it shall be the duty of the auditor, treasurer and superintendent of public instruction of the Territory of New Mexico to assemble as a commission for that purpose, and ascertain, on or before the first day of May, A. D. 1903, the total indebtedness, at the time of the creation of Luna county, of Grant county from which Luna county was segregated, less cash on hand to meet such indebtedness (not including as cash on hand the amount of money in school funds credited to the school districts of Grant county now a part of Luna county, for the year 1901), and less the value of all permanent public improvements remaining in Grant county, and also ascertain from the assessment rolls for the year 1900 the value of all taxable property embraced within the limits of Luna county that was taken from Grant county, and thereupon to determine the amount of such indebtedness that may be due from Luna county to Grant county, less the amount of cash on hand to meet such indebtedness (not including the school funds aforesaid), as such

conditions existed on the first day of April, A. D. 1901; and the amount so found to be due from Luna county to Grant county, by said commission, shall be final and conclusive in both counties.

Sec. 2. This act shall be in force from and after its passage and all acts and parts of acts in conflict herewith are hereby repealed.

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## CHAPTER 80.

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AN ACT RELATIVE TO BOUNTIES ON WILD ANIMALS. *H. B. No. 94; Approved March 17, 1903.*

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### CONTENTS.

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Sec. 1. Chapter 10, Laws of 1901, regarding bounty on wild animals. Amended.

Sec. 2. Application for payment of bounty. Affidavit. Proviso.

Sec. 3. False affidavit. Penalty.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That chapter 10 of the Session Laws of 1901 be and the same is hereby amended to read as follows:

"The several boards of county commissioners are hereby authorized and directed to levy annually a special tax on horses, bovine cattle, sheep and goats that may be found in their respective counties to any amount not exceeding four (4) mills, on the assessed value thereof for the purpose of raising money with which to pay bounties for the killing of wild animals. Such special tax shall be collected in the manner provided by law for the collection of other county taxes and paid into the county treasury as a "Wild Animal Bounty Fund" to be used exclusively for the payment of bounties for the killing of wild animals at the following rates:

"For each coyote or wild cat, two dollars (\$2.00); for each lynx, two dollars (\$2.00); for each gray wolf, lobo, panther or mountain lion, twenty dollars (\$20.00); for each bear, ten dollars (\$10.00).

"That no bounty certificates shall be issued in payment of scalps under the provisions of this act unless there are funds in the "Wild Animal Bounty Fund" to pay the same.

"Sec. 2. That each party presenting an application for the payment of the bounties provided for in section 1 of this act, shall make affidavit before the probate clerk and ex-officio clerk of the board of county commissioners that he killed the said wild animals in the county wherein he applies for bounty, setting forth the location and the date of said killing, and wherever possible furnishing witnesses to verify his state-

ment: *Provided*, that no bounty shall be paid under this act for any wild animal where claim is not presented within ninety days from the date it was killed.

“Sec. 3. Any person who shall make application for payment of bounty as provided in this act, for any wild animal killed outside of the county wherein he makes the application or who makes a false affidavit as to any facts stated in his application, shall be deemed guilty of a misdemeanor and upon conviction may be fined in any sum not to exceed fifty dollars (\$50.00) for each offense, and all such fines when collected shall be paid into the “Wild Animal Bounty Fund” of the county wherein the case occurred.”

Sec. 4. All acts and parts of acts in conflict with this act are hereby repealed and this act shall take effect and be in force from and after its passage.

## CHAPTER 81.

AN ACT ENTITLED AN ACT TO PREVENT THE CUTTING OF TIMBER FROM SCHOOL SECTIONS. *H. B. No. 139; Approved March 17, 1903.*

### CONTENTS.

Sec. 1. Unlawful to cut timber from certain school sections or territorial lands. Penalty.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Hereafter it shall be unlawful for any person, persons, company or corporation, to cut, take or destroy any timber from or on any school section numbered sixteen and thirty-six, or other territorial lands within the Territory of New Mexico. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof in a court of competent jurisdiction in the territory, shall be punished by a fine in the sum of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), or by imprisonment in the county jail for not less than thirty days nor more than ninety days, or by both such fine and imprisonment, in the discretion of the court trying the case. The violations of the provisions of this act upon each day shall constitute a separate and distinct offense.

Sec. 2. This act shall be in full force from and after its passage.

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CHAPTER 82.

AN ACT TO AUTHORIZE THE TREASURER OF LUNA COUNTY TO PAY OVER TO THE TREASURER OF THE COUNTY OF GRANT CERTAIN MONEYS. *H. B. No. 172; Approved March 17, 1903.*

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CONTENTS.

Sec. 1. Treasurer of Luna county authorized to pay over money to treasurer of Grant county.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. The treasurer of the County of Luna is hereby authorized, empowered and directed to pay to the treasurer of the County of Grant, all sums of money collected or hereafter collected by said Luna county under and by virtue of levies made by Grant county prior to the creation of Luna county, viz: For the years 1899 and 1900, for the payment of interest on bonds of said Grant county.

Sec. 2. This act shall be in full force and effect from and after its passage.

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CHAPTER 83.

AN ACT ENTITLED "AN ACT IN REFERENCE TO BURIALS IN CHURCHES AND CHURCHYARDS AND OLD CEMETERIES." *H. B. No. 190; Approved March 17, 1903.*

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CONTENTS.

Sec. 1. Unlawful to disturb remains of persons previously interred. Penalty.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Hereafter it shall be unlawful to inter the remains of any deceased person in any church, church yard or old cemetery, when it shall in order to do so, be necessary to disturb or remove the remains or any part thereof of any person permanently interred in the same place. And any person who shall bury or aid in burying any deceased person in any such church, church yard or old cemetery and in doing so shall remove or disturb the remains or any part thereof of any person previously interred therein, shall be deemed guilty of a misdemeanor and on conviction thereof before any justice of the peace or district court, shall be fined in any sum not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).

Sec. 2. This act shall be in force and effect from and after its passage.

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## CHAPTER 84.

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AN ACT AUTHORIZING BOARDS OF COUNTY COMMISSIONERS TO ESTABLISH ELECTION DISTRICTS IN PRECINCTS CASTING OVER FIVE HUNDRED VOTES. *C. B. No. 87; Approved March 17, 1903.*

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### CONTENTS.

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Sec. 1. Board of county commissioners may divide certain precincts.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That in any precinct in any county in this territory where more than five hundred votes are cast at any general election, the board of county commissioners may divide such precinct into two or more election districts for voting purposes, and define the boundaries and designate the polling places therein, and elections in such election districts shall be held in all respects as now provided by law for the holding of elections in precincts.

Sec. 2. This act shall be in force and effect from and after its passage, and all acts or parts of acts in conflict herewith are hereby repealed.

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## CHAPTER 85.

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RELATIVE TO PUBLIC DITCHES. *C. B. No. 103; Approved March 17, 1903.*

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Sec. 1. Opening of drainage to protect dams from flood and regulate water of acequia. Failure to perform work. Penalty.

Sec. 2. Excess water from drainage. Owners to pay for use. Penalty.

Sec. 3. Excess water from two or more ditches. Unlawful to obstruct any drainage. Penalty.

Sec. 4. Majority of mayordomos of joint drainage to regulate use of excess water.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Whenever it be necessary to open a drainage or tajo, near the main dam of any public ditch, with the object of drawing off the excess of water, or to regulate the water of said ditches, with the object of protecting the dams from any floods, the water commissioners of said ditch are

hereby authorized to determine the place where such drainage or tajo shall be opened, under the supervision of the mayordomo by the owners of the irrigable land of said ditch and the work shall be taxed in proportion of the irrigable property of each owner, and any person or persons belonging to said ditch, who shall fail or refuse to perform the work taxed by the commissioners, shall be fined in a sum not less than one dollar (\$1.00) nor more than two dollars (\$2.00) per day for every day he shall refuse to perform the work imposed or required from him.

Sec. 2. Hereafter the owners of irrigable land, situate in the margin of any drainage or discharges of water from any public ditch, being a member or members of said ditch, shall have to pay for the irrigation of said lands in the same manner as all other lands belonging to said ditches, whether they irrigate them for the uses of harvest, or for hay land, alfalfa or other pasture, and shall not be excused on the pretext that they only use the excess of water of said ditch. And if such owners of land use the water without the consent of the mayordomo, they shall be fined in a sum not less than ten dollars (\$10.00) nor more than twenty dollars (\$20.00).

Sec. 3. When two or more public ditches drain their excess of waters at the same drainage, the same shall be considered as joint owners of said drainage and no person or persons that may own lands on either side of said drainage shall have the right to use the water of said drainage without the consent of the mayordomos of said joint owners, and said owners of land shall not be permitted to put any impediment, incumbrances, or sidegates or dams upon said drainage and if at any time it shall be discovered that they use the water with the object of irrigating land whether it may be for harvest, or hay land to cut hay or to purchase stock of any kind, they shall be responsible for the damages that the excess of water may cause in time of flood; furthermore if they use the water without the consent of the mayordomos of said joint owners' drainage, they shall be fined in a sum not less than five dollars (\$5.00) nor more than ten dollars (\$10.00) for each and every offense.

Sec. 4. That the majority of the mayordomos of said ditches of the joint drainage, shall be authorized to make arrangements with said owners of land regarding the use of said excess waters, and the result of said arrangements shall be for the benefit of all ditches that may discharge the water upon such drainage.

Sec. 5. All laws and parts of laws in conflict herewith are hereby repealed, and this act shall be in force and take effect from and after its passage.



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CHAPTER 86.

AN ACT ENTITLED AN ACT PROVIDING FOR THE DRILLING OF  
ARTESIAN WELLS FOR THE PENITENTIARY. *C. B. No. 9;*  
*Approved March 17, 1903.*

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CONTENTS.

Sec. 1. Superintendent authorized to purchase materials to drill well.

Sec. 2. Appropriation. Payable from funds derived from sale of penitentiary lands.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. The superintendent of the New Mexico penitentiary is hereby authorized to purchase or lease such drilling machinery, hire such expert labor, and purchase such materials as may be necessary for the drilling of an experimental artesian well, said well to be drilled at some suitable place which may be selected by the said superintendent and board of penitentiary commissioners on land belonging to said penitentiary.

Sec. 2. For the purposes of this act the superintendent of said penitentiary and the penitentiary commissioners are hereby authorized to expend a sum not exceeding ten thousand dollars (\$10,000.00), or so much thereof as may be necessary, payable out of permanent improvement fund from the sale of penitentiary lands, and the auditor is hereby directed to draw his warrant in accordance herewith upon presentation of proper vouchers.

Sec. 3. This act shall be in full force and effect from and after its passage.

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CHAPTER 87.

AN ACT PROVIDING FOR A UNIFORM SYSTEM OF INDEX FOR  
ALL INSTRUMENTS AFFECTING TITLES TO REAL ESTATE,  
AND FOR OTHER PURPOSES. *C. B. No. 14; Approved March*  
*17, 1903.*

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Sec. 1. Board of county commissioners. May order index of records affecting real property.

Sec. 2. Index books to be provided

Sec. 3. Form of index.

Sec. 4. Manner in which town property or lands shall be entered. Proviso.

Sec. 5. Form of index provided in this act to be the standard in the territory.

Sec. 6. Tax levy by boards of county commissioners to provide for "County Index Fund."

**Sec. 7. Fees of clerk and recorder for re-indexing. Proviso.**

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That whenever, in the opinion of the board of county commissioners of any county in the territory, it is necessary for the convenience of the public and the better preservation of titles to real property, to have a complete and accurate index made of all instruments of record affecting real property, they are hereby authorized to have such index made by the probate clerk and ex-officio recorder of said county, and it shall be the duty of said clerk and recorder to immediately proceed to index the records beginning with the first volume of each of the above series of records and indexing each instrument therein until all of the said records shall have been accurately indexed to the first day of April, 1903.

Sec. 2. For the purpose of the index mentioned in this act there shall be provided index books, and all instruments affecting title to real estate shall be indexed in their regular order alphabetically arranged, as well as in their reverse order in the same manner.

Sec. 3. The said index shall be ruled and headed in the manner and form substantially as shown on the following form:

Time of reception			Grantor or Mortgagor		Grantees
Month	Day	Year.			
Or Mort- gagees	Instru- ment	Book	Page	Date of Instrument	
				Month	Day   Year.
Description of Prop-					
Subdivision of sections and numbers of lots				Town or City	
erty.	Sec. Blk.	Tp.	R.	Acres.	Remarks.
Addition					

Sec. 4. All town property or lands shall be entered and described in the said index in the manner indicated, according to numbers, metes or bounds: *But, provided*, that where this is impossible from the nature of the description then the tract or tracts may be described by some appropriate title, or the owner's name.

Sec. 5. The form of index provided in this act shall hereafter be adopted as the standard form of index and shall be used throughout the territory from and after the first day of April, 1903.

Sec. 6. The board of county commissioners of any county in the territory are hereby authorized to levy a tax of not to exceed one (1) mill on the dollar on all taxable property in any such county to provide a fund for the payment of all expenses incident to carrying out the provisions of this act; said levy to be made at the same time and in the same manner as the levy for the general county expenses, and all funds collected under such levy shall be kept separate by the county treasurer and collector, to be known as the "County Index Fund," to be paid out by the board of county commissioners after they have received and approved the index aforesaid: *Provided*, that this levy shall only be made for the year 1903.

Sec. 7. The clerk and recorder shall receive as compensation for indexing the records as herein provided the sum of five (5) cents for each instrument indexed; but shall receive no extra compensation for indexing any instrument filed after the first day of April, 1903; but shall be required to index all such instruments in like manner, free of charge to said county. For each failure in compliance with the provisions of this act, the clerk and recorder shall be held responsible for all damages suffered by the injured party, to be recovered on his official bond: *Provided*, that no provision of this act shall apply to any county wherein the records have been re-indexed or the index books revised during the period of ten years immediately preceding the passage of this act.

Sec. 8. All acts and parts of acts in conflict with this act are hereby repealed, and this act shall take effect and be in force from and after its passage.

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## CHAPTER 88.

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AN ACT PROVIDING FOR THE EQUALIZATION OF TAXES AMONG THE COUNTIES OF THE TERRITORY OF NEW MEXICO. C.  
B. No. 127; Approved March 17, 1903.

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- Sec. 1. Board of equalization. To meet annually. To determine value of real and personal property.
- Sec. 2. President of board. May appoint members to visit counties and determine value of real and personal property. Proviso.
- Sec. 3. Members of board of equalization to make report.
- Sec. 4. Board of equalization may direct traveling auditor to visit counties and determine value of taxable property.

- Sec. 5. Board of equalization. To fix value. To prepare abstract of taxable values to be filed in auditor's office.
- Sec. 6. Duties of treasurer and auditor as to raising revenue.
- Sec. 7. Legislative assemblies to make specific appropriations.
- Sec. 8. Apportionment of revenue to be raised. County commissioners to make levy. Auditor to use data supplied by board of equalization.
- Sec. 9. Tax levies by county commissioners. Allowance for delinquencies. Default in raising revenue. Proviso.
- Sec. 10. This act not to amend section 2635, Compiled Laws of 1897.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. The territorial board of equalization, at its annual meeting on the first day of January, A. D. 1904, and once every year thereafter, shall ascertain and determine the value of the property, both real and personal, subject to taxation in every county of the Territory of New Mexico. In ascertaining and determining the value of such property said territorial board of equalization may have recourse to and may use the assessment rolls of said counties, returned for the year preceding the holding of their meeting, together with any other facts and information showing the true value of the real and personal property of said counties.

Sec. 2. The president of said territorial board of equalization may appoint members of said board to visit any of the counties in this territory, whose duty it shall be, when appointed, to visit the county or counties assigned to him by the president of said territorial board of equalization, and within four weeks of his appointment and assignment, make a report to said board of equalization at its office in Santa Fe, New Mexico, showing the value of property both real and personal in the county or counties assigned to him, as the same has been determined and ascertained by him: *Provided*, that no member of said board shall be appointed to visit or be assigned the county in which he has his residence.

Sec. 3. The reports of the said members of said board of equalization, when returned to and filed with the territorial board of equalization, and the facts therein contained, may be used for the purpose of finally ascertaining and determining the value of the property subject to taxation within the said counties of the Territory of New Mexico.

Sec. 4. The territorial board of equalization may also, by an order, direct the traveling auditor and bank examiner to visit any county within the Territory of New Mexico, whose duty it shall be when so directed, to visit any given county in the territory, to make thorough and exhaustive examination and investigation of said county with a view to and for the purpose of ascertaining and determining the value of the property, both real and personal, subject to taxation in such

county, and shall report the result of such examination and investigation to the territorial board of equalization, and file the same in the office of said territorial board of equalization, and the facts therein contained may be used for the purpose of finally ascertaining and determining the value of the property, subject to taxation, within such county.

Sec. 5. The said territorial board of equalization from the data hereinbefore provided for shall finally determine and fix the value of all property both real and personal in every county in the Territory of New Mexico and shall prepare an abstract, alphabetically arranged by counties, showing the taxable value of every county in the territory, and certify the same to the territorial auditor, whose duty it shall be to file the same in his office.

Sec. 6. The territorial treasurer and the territorial auditor, shall between the first and third Mondays of February of each year, commencing with the year 1904, determine the amount of revenue directed to be raised by the legislative assembly for territorial purposes for the ensuing fiscal year, and whenever the said legislature has not directed a specific sum or amount to be raised for a designated purpose, or for the maintenance of a designated territorial institution, then it shall be the duty of said territorial treasurer and territorial auditor to ascertain and determine the product of said levy, taking and assuming for such purpose, that one (1) mill on the dollar levied upon the taxable property of the territory will produce twenty-eight thousand dollars (\$28,000.00). And when said amount of revenue, so directed to be raised, as herein provided has been ascertained and determined, the result thereof shall be compiled and reduced to writing and filed in the office of the territorial auditor.

Sec. 7. Hereafter the legislative assemblies of the Territory of New Mexico, when providing revenue for territorial purposes shall make fixed and specific appropriations for the salary fund for the different charitable institutions, for the different educational institutions, for the different penal institutions, for the purpose of paying interest on the territorial debt, for the maintenance of the capitol, for miscellaneous purposes, for deficiencies in the territorial revenues, and for any other purposes for which a territorial appropriation has been made.

Sec. 8. The territorial auditor shall between the first and second Mondays of April of each year, commencing with the year A. D. 1904, apportion the amount of revenue directed to be raised, by the legislative assemblies, among the different counties of the territory in the ratio and proportion which the taxable value of each county, bears to the taxable value of the entire

Territory of New Mexico, and said auditor shall by an order, a copy of which shall remain in his office on file, direct the board of county commissioners of every county in the Territory of New Mexico, to levy a tax upon all taxable property, in their respective counties, sufficient to raise the amount of revenue required by said order to be by that county raised and shall fix a minimum levy for each county for such purpose. The said auditor in apportioning the amount of revenue, to be raised by the different counties of the territory, shall refer to and use the data, supplied to and furnished him, by the territorial board of equalization, in the abstract provided for in section 6 of this act, and shall refer to and use no other data, in making said apportionment.

Sec. 9. The boards of county commissioners of the several counties of the Territory of New Mexico, shall annually, commencing with the year A. D. 1904, at the time they make levies and assess taxes for general county and other purposes, make a levy upon all the property subject to taxation in their respective counties, sufficient to raise the amount of revenue which they were respectively directed by the territorial auditor to raise, and when the same has been collected, it shall be paid into the territorial treasury, as now provided by law. The several boards of county commissioners, in making levies for the purpose aforesaid, shall allow fifteen per cent. for delinquencies in and costs of collection of taxes, and whenever it has been customary in any of the counties of this territory, that the delinquencies in the collection of taxes, has been greater than fifteen per cent., then such greater amount shall be allowed. If at any time there is a surplus of revenue raised for territorial purposes in any of the counties of this territory, such surplus shall remain in said fund and shall not be diverted therefrom and the following year such surplus shall be deducted by said board of commissioners of the county, producing such surplus, from the sum to be raised for territorial purposes. If any county of the territory shall default in the raising of the revenue, or any part thereof, directed to be raised by the territorial auditor, and shall remain in default for a period of thirty days, after the end of the fiscal year for which it was directed to raise such revenue, then it shall be the duty of the territorial auditor, to at once cause a new levy to be made, upon the taxable property of such defaulting county, sufficient to make up the amount of taxes, and such levy made by the territorial auditor as herein provided shall be collected and paid over to the territorial treasurer as other taxes are collected and paid over: *Provided*, that no person who has paid his taxes under the first levy made shall be required to again pay taxes

for territorial purposes for the fiscal year during which default was made. And such county commissioners are hereby authorized, whenever the treasurer may be in default, to employ special counsel to appear in behalf of the county, for the protection of county interests.

Sec. 10. Nothing in this act shall be construed to in any wise amend or modify section 2635 of the Compiled Laws of 1897; but the said territorial board of equalization, when it, under the provisions of section 2635 of said Compiled Laws determines and fixes the value upon the property belonging to railroads, telegraph, telephone and sleeping-car companies doing business in the Territory of New Mexico, shall determine the value of such property as the same exists and is found in the different counties in this territory, and the value of such property shall be credited to the county wherein it exists and is found.

Sec. 11. This act shall take effect and be in force from and after its passage.

## CHAPTER 89.

AN ACT TO PROVIDE FOR THE REFUNDING OF CERTAIN COUNTY INDEBTEDNESS. *C. B. No. 107; Approved March 18, 1903.*

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- Sec. 6. Deficiency in interest fund. Proviso.
- Sec. 7. Tax levy for interest and sinking fund. Duty of officers. Neglect or refusal. Penalty.
- Sec. 8. Failure of county commissioners to make levy. Duty of auditor. County commissioners to aid refunding commission.
- Sec. 9. Statement of rate of tax levy to be transmitted to county commissioners by auditor. To be placed on tax roll.
- Sec. 10. Provision for payment of principal and interest of refunding bonds when county or part of county is incorporated into new county.
- Sec. 11. All refunded bonds, coupons and judgments to be returned to territorial treasurer. Upon final payment to be returned to the county.
- Sec. 12. County to pay expense of refunding.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That the governor, the secretary and the treasurer of the Territory of New Mexico be, and they are hereby

created a commission for the purpose of refunding the indebtedness incurred by any county of the Territory of New Mexico in aid of railroad construction, and are authorized and empowered to compromise and adjust all such indebtedness as was recognized and validated by the act of congress of the United States of 1897, together with the past due and unpaid coupons upon the bonds issued in aid of such railroad construction, and the interest upon such coupons and any judgment recovered for any such past due coupons and interest thereon and judgments obtained on said coupons, or any part thereof, whenever the owners of such indebtedness may consent and agree to such compromise and the refunding of such indebtedness.

Sec. 2. Whenever an arrangement and compromise of the indebtedness mentioned in section 1 of this act shall have been effected by and between the said commission and the owner or owners of such indebtedness, by which it is mutually agreed by and between the parties to surrender the existing indebtedness of the class specified in section 1, and to receive therefor and in lieu thereof bonds issued under this act for a sum not to exceed sixty (60) per cent. of the whole indebtedness surrendered, the said commission created by said section 1 shall be, and is hereby, authorized to issue refunding bonds in exchange for such indebtedness.

Sec. 3. The bonds to be issued in exchange for the indebtedness specified in section 1 of this act shall be in the usual form of coupon bonds, and shall be dated on the date of their issue, shall be in the denomination of one thousand dollars (\$1,000.00) or multiples thereof, shall bear interest at the rate of three per cent. per annum, payable semi-annually on the tenth days of January and July of each year, shall be signed by the governor and the treasurer of the Territory of New Mexico and countersigned by the auditor thereof, and shall be payable in forty years from the date of their issue, and may be redeemed at the pleasure of the territory at any time after thirty years from their date, principal and interest to be payable at such bank in the City of New York, in the State of New York, as may be designated on the face of the bonds and coupons, and shall be known and styled as the Railroad Aid Refunding Bonds. It is hereby specifically provided that the principal and interest of each such bond shall be paid only as provided in this act, and no other county in the territory, by territorial levy or otherwise shall be taxed to pay any part of such principal and interest.

Sec. 4. Whenever any of the indebtedness hereinbefore referred to shall be refunded as provided for in this act, the territorial treasurer shall open and keep an account with the



county the bonds of which have been so refunded, and shall immediately make out and transmit to the proper officer or officers charged with the administration of the affairs of such county a statement under his official seal, showing the amount and character of the indebtedness of such county so refunded, with the amount of bonds issued therefor, when due, and when and where payable, with the rate of interest and amount of interest that will be required annually to be paid thereon, and such statement shall be filed in the proper office, and recorded in the official records of such county.

Sec. 5. In all cases where the said indebtedness has been so refunded, the board of county commissioners of the county owing such indebtedness shall, annually, at the time of assessing and levying taxes therein, cause to be made, assessed and levied, for each year, upon all the taxable property of such county, in addition to other authorized taxes, a sufficient sum to pay the interest upon the bonds issued and disposed of under the provisions of this act for the benefit of such county. And twenty years after such bonds shall have been issued the county commissioners or proper county officials may cause to be levied an additional amount, annually, sufficient to pay ten per cent. of the total amount of such bonds so issued, and shall make such levy thirty years after the issue of such bonds, and shall maintain such last mentioned levy until a sinking fund has been provided sufficient to pay the total amount of such bonded indebtedness; and such sinking fund levy shall be in addition to the annual interest levy provided for in this section; and all such taxes shall be assessed, levied and collected as other county taxes are assessed, levied and collected, but the proceeds of such levy shall be paid directly into the hands of the territorial treasurer by the officer or officers collecting the same.

Sec. 6. In event sufficient money shall not be realized each year from the collection of taxes under the levy provided in section 5 of this act to be made, with which to pay the interest on said bonds when due, the deficiency shall be paid out of any funds in the treasury of said county, and such deficiency shall be paid over by the proper officer or officers entrusted with such county funds upon demand therefor by the territorial treasurer: *Provided*, that all moneys collected in such county for the payment of such interest, remaining in such fund after such payment, shall be paid into such fund or funds of such county, to reimburse said fund or funds for any such amount so paid out as herein provided, for interest payments.

Sec. 7. It shall be the duty of the proper officers of such counties, respectively, to assess, levy and collect the taxes in

this act provided for the payment of interest and sinking fund of such bonds, and to pay the same into the territorial treasury at the times of the payment of the territorial taxes; and any failure to comply with the provisions of this act, by any officer or officers charged with the performance thereof, or any neglect or refusal by them or either of them to assess, levy and collect, or to pay over, such taxes as aforesaid, or to apply said taxes and the proceeds thereof as in this act provided, for the purpose for which the same was collected, shall be deemed a misdemeanor, and upon conviction thereof such person or persons so convicted shall be fined in a sum not less than five hundred dollars (\$500.00) nor more than two thousand five hundred dollars (\$2,500.00), and, in addition thereto, in a sum equal to the amount which should have been so assessed, levied or collected, or paid over, as the case may be; and, in addition to such fine or fines, shall be imprisoned in the county jail or territorial penitentiary for a period of not less than three months nor more than one year, in the discretion of the court. And, if any county officer or officers charged with the duty or duties herein provided, shall fail to perform the same he shall be compelled to such performance, by any court of competent jurisdiction within this territory.

Sec. 8. In event of the failure or refusal of the county commissioners, or of the county assessor, or either, to make such levy, as herein provided, the territorial auditor shall make such levy directly within such county for the purpose of carrying out the provisions of this act. And, in event of the proper tax collector of such county neglecting, failing or refusing to collect such taxes, the governor of the territory shall immediately remove such collector, and appoint some qualified person to collect such taxes.

The county commissioners of such county, the indebtedness of which has been so refunded, shall furnish to the refunding commission created by this act all such information as to taxable values, etc., within such county, as will enable such commission to carry out the provisions of this act as to assessment, levy, collection, etc., and such commission, or either of the members thereof, or the territorial auditor, shall have power to demand of the county officials of such county such information.

Sec. 9. In event the tax herein provided for shall be levied by the territorial auditor, as herein provided, he shall transmit to the board of county commissioners, or to the officer or officers exercising like duties, a statement of the rate of taxes fixed and levied upon the taxable property within such county for the purposes hereinbefore provided, and such statement shall be entered upon the tax roll of said

county, and the tax so entered shall be collected as other county and territorial taxes are collected.

Sec. 10. All taxable property, and the increase thereof, within the limits of such county shall be, and is hereby, pledged to the payment of the principal and interest upon such bonds issued as herein provided, for the benefit of such county; and in event of the division, disincorporation or dissolution of such county in any manner, or the cutting off of any part of the same, then said refunding commission, or the territorial auditor, shall cause the proper tax to be assessed, levied and collected, as herein provided, by the county or counties into which such original county may have been divided, or to which any part thereof may have been attached, in the proportion which such part so detached or cut away from the original county, as to taxable values, bears to that part of the original county so remaining, if any; and if such original county is wholly disincorporated, then to cause such tax to be assessed, levied and collected by the county or counties with which the original county or any part thereof has been incorporated.

Sec. 11. In the event of the refunding of any such indebtedness, as in this act provided, the bonds, coupons and judgments so refunded, together with all other evidences of indebtedness for the redemption or refunding of which said bonds were so issued, shall be turned over to the territorial treasurer, and the same shall become the property of the Territory of New Mexico, to be returned to such county, duly cancelled, and discharged, upon the final payment of such refunding bonds by such county.

Sec. 12. The county, the bonds of which shall have been so refunded under the provisions of this act, shall pay into the territorial treasury all the costs and expenses incurred for the refunding of such indebtedness, and also shall pay all other costs in connection therewith, including the annual cost of exchange, etc., if any.

Sec. 13. This act shall take effect and be in force from and after its passage.

## CHAPTER 90.

AN ACT AUTHORIZING THE PRACTICE OF OSTEOPATHY IN THE TERRITORY OF NEW MEXICO. *C. S. for H. B. No. 120; Approved March 18, 1903.*

## CONTENTS.

Sec. 1. Osteopathy. Who entitled to practice. Requirements. Penalty for prescribing medicines or practicing surgery.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Sec. 1. Hereafter any graduate of any recognized college or school of osteopathy in the United States or Europe where the course of study comprises at least four terms of five months each, shall be authorized to practice the profession of osteopathy and osteopathic surgery, and administer the treatment to the sick and afflicted known as the science of osteopathy, and as taught by the recognized schools; such person shall have his diploma from said school recorded, and such osteopaths shall file an affidavit as to good moral character, and that the person presenting the diploma is the rightful owner thereof, to the probate clerk of the county where said person resides, and the probate clerk shall register said diploma. Any osteopath who prescribes, gives or uses any medicines, or drugs, or who practices major or operative surgery, or who calls or advertises himself or herself in any way other than as osteopathic physician or osteopathic surgeon, shall be guilty of a misdemeanor, and upon conviction of the same shall be punished as provided in section 9 of House Bill 36 of the 35th Legislative Assembly, notwithstanding any requirements or provisions of an act entitled "An Act to regulate the practice of medicine and to provide for the board of health in New Mexico," approved March 8th, 1901.

Sec. 2. This act shall be in force and effect from and after its passage, and all acts and parts of acts in conflict herewith are hereby repealed.

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CHAPTER 91.

AN ACT GRANTING TO COUNTY COMMISSIONERS THE RIGHT OF CONDEMNATION OF PRIVATE PROPERTY FOR ROADS AND HIGHWAYS IN UNINCORPORATED COUNTY SEATS. C. B. No. 116; *Approved March 18, 1903.*

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CONTENTS.

Sec. 1. County commissioners to have same right of condemnation as city councils.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That the board of county commissioners of the counties of the Territory of New Mexico shall have the same right of condemnation of private property for the purpose of laying out, establishing, widening, or in any manner improving streets, highways, alleys, approaches thereto in unincorporated county seats of such counties to the same extent and by the same procedure as now exists by the city councils of the cities of the Territory of New Mexico over streets and highways within the limits of such cities.

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed, and this act shall be in full force from and after its passage.

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CHAPTER 92.

AN ACT TO AMEND CHAPTER 43 OF THE SESSION LAWS OF NEW MEXICO OF 1901, AN ACT ENTITLED "AN ACT FOR THE PROTECTION OF SCHOOL CHILDREN AND FOR OTHER PURPOSES." A. C. B. No. 79; *Approved March 18, 1903.*

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CONTENTS.

Sec. 1. Applicant for teacher's certificate found to be afflicted with tuberculosis.

Duty of examining physician and superintendent of public instruction.

Applicant to have right of appeal to board of health.

Sec. 2. Right of appeal to board of health only. Violation of this provision. Penalty.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That whenever in this act the phrase or expression "physician appointed by the president of the New Mexico board of health" occurs, the same is hereby stricken out and the following inserted in lieu thereof: "Any reputable physician, who is a resident of New Mexico and has a license to practice medicine in New Mexico, and who is not himself afflicted with the disease."

Whenever such physician shall find the applicant to be afflicted with tuberculosis, or what is commonly known as consumption, it shall be his duty to at once notify the superintendent of public instruction of New Mexico, giving the name, age and sex of the applicant, together with the date of examination, and a general statement of the case. Whereupon it shall be the duty of said superintendent to at once notify the school superintendents of each county in New Mexico of the information he has received. And in case any applicant so examined shall feel aggrieved he may take appeal to the New Mexico board of health and present himself for examination, and it shall be the duty of said board of health to thoroughly examine such person, and the result and decision of said board shall be final, and such decision shall be certified by it to the superintendent of public instruction of New Mexico, who shall thereupon notify the different school superintendents of each county.

Sec. 2. No person who has been examined by a physician under this act or of the act of which it is amendatory, and has been rejected by such physician shall apply to any other physician for examination or certificate, but he shall have right of appeal to the board of health of New Mexico. And if any person shall apply to any other physician in violation of this act, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed one hundred dollars (\$100.00) and shall not be eligible as a school teacher in any county of New Mexico. The fine hereby imposed shall be collected and paid over to the territorial school fund.

Sec. 3. All acts and parts of acts in conflict are hereby repealed and this act shall be in force thirty days after its passage.

## CHAPTER 93.

AN ACT AMENDING AN ACT ENTITLED AN ACT IN RELATION TO MAYORS OF CITIES AND TO OTHER OFFICERS. *C. B. No. 125; Approved March 18, 1903.*

### CONTENTS.

Sec. 1. Section 1, chapter 9, Laws of 1903, regarding term of office of city officers. Amended.

Sec. 2. Section 3, chapter 9, Laws of 1903, regarding election of city officers and term of office. Amended.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 1 of an act entitled an act in rela-

tion to mayors of cities and to other officers, approved Feb. 28, 1903, be and it is hereby amended so as to read as follows:

"Section 1. Hereafter in cities the term of office of the mayor, clerk and treasurer shall be two years."

Sec. 2. That section 3 of said act be and it is hereby amended by adding thereto the following: "And on the first Tuesday of April, 1906, and each two years thereafter, the qualified voters of cities shall elect one alderman and one member of the board of education from each ward, who shall hold their offices for the period of four years. The provisions of this act shall apply to all cities in the territory, whether incorporated under general or special laws."

Sec. 3. All acts and parts of acts in conflict herewith are hereby repealed, and this act shall be in full force and effect from and after its passage.

## CHAPTER 94.

AN ACT REQUIRING OFFICERS OF COMPANIES AND CORPORATIONS DOING BUSINESS IN THE TERRITORY TO DISCLOSE, TO THE OFFICER LEVYING THEREON, THE NUMBER OF SHARES OR INTEREST OWNED IN SUCH COMPANY OR CORPORATION BY A SHAREHOLDER. *C. S. for H. B. No. 47; Approved March 18, 1903.*

### CONTENTS.

Sec. 1. Attachment of shares. Corporation to give verified statement of number of shares owned.

Sec. 2. Refusal to give verified statement. False statement. Penalty.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. When any interest or amount of shares had or owned by any person in any corporation incorporated under the laws of this territory or any foreign corporation doing business in this territory, shall be levied on under the process of attachment or execution, the secretary of such corporation shall, upon notice of such levy being delivered to him by the officer making the same, give to such levying officer a verified statement of the number of shares or amount of the interest held or owned by the defendant in any such corporation; and in event said corporation is a foreign corporation upon whose secretary process cannot be served, then such levy may be served upon any agent of such corporation upon whom service of process may be made, and such corporation shall then, within ninety days after the

service of such process upon such agent, cause said agent to give such officer so serving the same such verified statement of the number of shares owned by the defendant in such company or corporation as above provided.

Sec. 2. Any corporation whose secretary or clerk shall fail, neglect or refuse to make and give to such levying officer such statement as above provided, or who shall give an inaccurate or false statement, shall be deemed guilty of a misdemeanor, and the corporation so failing shall forfeit and pay to the party injured a penalty of fifty dollars (\$50.00) for every such failure, neglect or refusal, and all the damages resulting therefrom.

Sec. 3. This act shall take effect and be in force from and after its passage.

## CHAPTER 95.

AN ACT TO ENABLE COUNTIES TO COMPROMISE AND ADJUST THEIR BONDED AND OTHER INDEBTEDNESS. *H. B. No. 198; Approved March 18, 1903.*

### CONTENTS.

- Sec. 1. Board of county commissioners authorized to compromise indebtedness of counties.
- Sec. 2. Commissioners to pledge credit of county to pay indebtedness compromised.
- Sec. 3. Compromise of rate of interest upon adjusted indebtedness and indebtedness evidenced by coupon bonds. Commissioners to pledge credit of county.
- Sec. 4. Terms upon which compromise shall be effected.
- Sec. 5. Coupons so compromised receivable in payment of taxes.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. The boards of county commissioners of the several counties of the Territory of New Mexico, in which the bonded indebtedness issued and outstanding is in excess of twenty per centum of the taxable property of such county, according to the last general assessed valuation thereof, are hereby authorized and empowered to compromise and adjust the existing legal bonded indebtedness of such counties, together with the past due and unpaid interest coupons, the interest on such coupons, any and all judgments recovered for past due coupons and interest thereon, or any part thereof, and any other valid and subsisting indebtedness, evidenced by judgments, whenever owners or holders of such indebtedness may consent and agree to such compromise and adjustment.

Sec. 2. Whenever an adjustment of the indebtedness mentioned in section 1 of this act shall have been effected by



and between the board of county commissioners of any county and the owner of such indebtedness or any portion thereof, by which it is mutually agreed by and between the parties to compromise the said existing indebtedness for a sum less than the amount due, then said board of county commissioners shall be and it hereby is authorized and empowered to enter into a contract with the owners or holders of any such indebtedness, by resolution, whereby said board of county commissioners shall agree and promise and pledge the credit of the county to pay the amount of the said indebtedness mutually agreed to be paid and compromised.

Sec. 3. The said board of county commissioners, whenever it has effected the compromise of any such indebtedness and has agreed with the owners and holders of any such indebtedness as to the amount of such indebtedness it will pay and liquidate, may also compromise and adjust the rate of interest said indebtedness shall bear, which in no event shall be more than four per centum per annum; and, whenever said indebtedness is evidenced by coupon bonds, said board of county commissioners may compromise and adjust the amount of the indebtedness as evidenced by the coupons attached to said bonds it will pay and liquidate, which, in no case shall be more than four per centum per annum upon the principal indebtedness; and said board of county commissioners is authorized and empowered to enter into a contract with the owner and holder of such interest and coupon indebtedness by resolution whereby said board of county commissioners shall agree and promise and pledge the credit of the county to pay the amount of the said indebtedness so compromised and mutually agreed to be paid.

Sec. 4. The terms of the compromise effected, as provided for in this act, shall be by the board of county commissioners stamped upon the back of any and all bonds outstanding against the county making the same, and if said county shall default for a period of one year in the payment of the interest becoming due upon any of the compromised indebtedness, then the whole of such indebtedness as it originally existed before such compromise was effected shall become due as if no such compromise had been made. The terms of said compromise which said board is hereby required to stamp and endorse upon the back of said bonds shall recite that all of said indebtedness shall become due and be payable in the event default is made for a period of one year in the payment of interest on any of said bonded indebtedness in the following language, viz: "The indebtedness evidenced by this bond is compromised at — per centum (here insert per centum agreed upon between board and owners of bonds) of its face

value; if interest coupons remain unpaid one year after presentation and demand, then entire indebtedness evidenced by this bond shall again become due and payable and this compromise is void and of no effect." And upon the back of the coupons attached to said bond the following shall be stamped and endorsed: "Indebtedness herein compromised; see bond No. \_\_\_\_" (here insert number of bond to which coupon is attached).

Sec. 5. Any of the coupons compromised as herein provided shall be receivable in payment of taxes levied for all county purposes, by the holders of any such coupons.

Sec. 6. This act shall be in force and take effect from and after its passage.

## CHAPTER 96.

AN ACT AMENDING SECTION 2 OF CHAPTER 72 OF THE SESSION LAWS OF 1901. *H. B. No. 148; Approved March 18, 1903.*

### CONTENTS.

Sec. 1. Section 2, chapter 72, Laws of 1901, regarding assessments against real estate and publication of notice of assessments Amended.

Sec. 2. Section 5, chapter 72, Laws of 1901, regarding times of payment of assessments and issue of sewer certificates. Amended.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 2 of chapter 72 of the acts of the Legislative Assembly of the Territory of New Mexico, approved March 20, 1901, entitled "An Act for the construction and maintenance of sewers in the towns and cities of the territory," be and the same is hereby amended so as to read as follows: "Section 2. If said city council or board of trustees shall elect to assess against said lots and pieces of land abutting on said line of sewer or sewers, or so near thereto as to be in the opinion of said city council or board of trustees benefited by the construction thereof, a part or all of the cost of such construction they shall record the amount so elected to be so assessed, and shall proceed to apportion said amount among said lots and pieces of land according to the frontage thereof, so that each front foot of such lots and pieces of land shall pay its proportionate share of the total cost of such construction, and shall assess such amount so determined against each of such lots and pieces of land, and shall for one month, in some newspaper published within the limits of said municipality where said sewer or sewers are to be built, or if there be no daily newspaper there published, then for

four successive weeks in some weekly newspaper therein published, a notice containing a brief description of the lots and pieces of land to be so assessed, and the amount to be assessed against each, and shall in said notice state that according to the provisions of this act any owner or owners in whole or in part or their legal representatives, has the right within ten days after the date of the last publication of said notice, stating the date, to bring suit in the district court having jurisdiction according to law then existing over the controversy, to review the action of said city council or board of trustees."

Sec. 2. That section 5 of said act be and it is hereby amended so as to read as follows: "Section 5. Said assessments may be made payable in ten annual payments. The first payment to be made at the time the general taxes of said municipality are next due, whether it be a semi-annual or annual, time for the payment of the same. The second payment, one year thereafter, the following payments annually thereafter. Interest at a rate not to exceed six per cent. per annum in the discretion of said city council, or board of trustees, shall be charged upon any balances or amounts not paid when the same are due. The property owner, may, at his option, pay any installment or the whole of such assessment before the same is due, and interest thereon shall cease from the time of such payment. The said city council or board of trustees are hereby authorized to issue certificates to be designated "sewer certificates" to the amount of such assessment running for a period of eleven years, and payable in equal annual installments from and after the date of the issuance thereof. Such certificates shall be issued for convenient amounts, shall be negotiable in form and shall bear interest from date at the rate not to exceed six per cent. per annum, in the discretion of said city council or board of trustees. Said certificates shall be issued to the person or persons entitled to receive the same and shall state that they are issued in payment for the construction of said sewer or sewers. They shall be payable from money received from the assessments above provided for, and any deficiency in the fund to pay said certificates, shall be paid from the general revenues of said municipality, and said certificates may be redeemed at the option of the municipality issuing them at any time before maturity."

Sec. 3. This act shall be in full force and effect from and after its passage.

## CHAPTER 97.

AN ACT AUTHORIZING AND EMPOWERING THE BOARD OF EDUCATION OF THE CITY OF SANTA FE AND TERRITORY OF NEW MEXICO, TO PROVIDE FOR THE ERECTION OF A PUBLIC SCHOOL BUILDING, AND MAKING PROVISIONS FOR MEANS TO ERECT THE SAME. *C. S. for H. B. No. 143; Approved March 18, 1903.*

## CONTENTS.

- Sec. 1. Bond issue to erect school building authorized. Form. Maturity. Rate of interest. On petition question of bond issue to be submitted to vote. Form of ticket.
- Sec. 2. Special tax levy to pay interest on bonds. Provision for sinking fund.
- Sec. 3. Sale of bonds.
- Sec. 4. Material and labor to be furnished by penitentiary. Proviso.
- Sec. 5. Board of education to provide grounds, material and labor.
- Sec. 6. Donation of land. Description.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. For the purpose of erecting a suitable and commodious public school building in the City of Santa Fe in this territory, the board of education of the City of Santa Fe, of the Territory of New Mexico, is hereby authorized and empowered on or after the 1st day of June, A. D. 1903, and prior to the 1st day of November, A. D. 1903, to issue the bonds of said board of education of the City of Santa Fe in the Territory of New Mexico, as a body corporate, to the amount of twenty-eight thousand dollars (\$28,000.00), or so much thereof as may be required, said bonds to be of the denomination of one hundred dollars (\$100.00) or any multiple thereof, not exceeding one thousand dollars (\$1,000.00), to be made payable to bearer and redeemable at any time after twenty years after the date thereof and to become absolutely due and payable thirty years after the date thereof, to bear interest from the date thereof at the rate of five per centum per annum, payable semi-annually at some national bank or trust company in the City of New York, State of New York, such interest to be evidenced by coupons representing each six months period of interest, attached to said bond; said bonds shall be signed by the board of education of the City of Santa Fe of the Territory of New Mexico, by its president and sealed with the seal of said board and attested by the secretary of said board and the coupons thereof shall bear a fac-simile of the signature of the secretary of said board, which shall be engraved thereon; said bonds shall be numbered commencing with one and running upwards, the coupons of each bond shall bear

the number of the bond and its relative number to other coupons on the same bond and shall show the date thereof, when due and payable and that it is for interest on the particular bond to which it is attached for the six months terminating on the date when it becomes due and payable. Should seventy-five of the legal voters of the City of Santa Fe, who are the owners of taxable property not exempt from taxation for school purposes in the said city of Santa Fe on which each of them has paid taxes for the year 1902, within thirty days after the passage of this act, petition the said board of education of the said City of Santa Fe to cause to be submitted to a vote of the legal voters in the said City of Santa Fe the question whether or not said bonds hereinbefore provided for shall be issued, it shall be the duty of said board of education to request the mayor and the city council of the said City of Santa Fe to order an election to be held within forty days thereafter to vote upon the question as to whether said bonds shall be issued or not, and thereupon the said mayor and city council shall order an election to be held in the various wards of said city, at which all persons, who may be qualified voters in said city under the laws of the Territory of New Mexico and who were registered as such at the last city election of the City of Santa Fe, shall be entitled to vote. The ticket which they shall vote, shall be in either of the following forms:

“For public school house bonds of the City of Santa Fe—Yes.” or:

“For public schoolhouse bonds of the City of Santa Fe—No.” And if a majority of those voting shall vote “yes,” such vote shall be considered as consenting to the issue of said bonds and the said board shall be authorized to issue the same; but if a majority of those voting shall vote “no,” such vote shall be considered as being opposed to the issue of said bonds and the said board of education shall not have the right to issue the same.

Should no petition be made, as herein provided, by seventy-five owners of taxable property as before mentioned within thirty days from the date of this act, then the said board of education shall be authorized and empowered to issue said bonds without further delay or any further authorization.

Sec. 2. To secure the payment of interest on each of the bonds which may be issued, according to the provisions of the last preceding section, as it falls due and also the principal of said bonds, the said board of education of the City of Santa Fe is hereby authorized and required, after it shall have determined to issue said bonds, to fix a rate of tax levy, to be levied on all of the property subject to taxation in the

said City of Santa Fe and not exempt by law from taxation for school purposes at its meeting to be held on the first Monday in June in each year or as soon thereafter as possible, making due allowance therein for taxes which may not be collected, which rate of taxation when so fixed shall be certified by the president and secretary of said board of education under the name of said board and the seal thereof, to the board of county commissioners of the County of Santa Fe, which said board of county commissioners shall include the amount of such rate of taxation so fixed in the order making levies for taxation for the various purposes, required to be made by them for the county and the same shall be and become a special levy on all the property subject to taxation in the City of Santa Fe and not exempt therefrom for school purposes and the amount thereof when collected shall be kept in a separate fund to pay said interest.

Ten years after the date of said bonds and each year thereafter, a sufficient tax shall in like manner be levied and collected to pay each year one-twentieth part of the principal of said bonds, and the moneys so collected to pay such interest and principal shall be used for no other purpose.

Sec. 3. The said bonds, authorized by this act to be issued, shall be disposed of at not less than par, out of which shall be paid the costs of issuing, printing and disposing of the same, and all the rest or remainder of the proceeds thereof shall be used solely and only for the purpose of preparing the plans and specifications of such building and in aiding and assisting in the construction of the same, as a suitable and commodious building for the public schools of the City of Santa Fe of the Territory of New Mexico and in paying all the necessary expenses thereof and furnishing the same with suitable, modern furniture.

Sec. 4. To aid and facilitate the construction of said building, the board of penitentiary commissioners and the superintendent of the penitentiary are hereby directed and required to furnish, free of charge, convict labor for the excavation for the foundation of said building, with the aid of skilled superintendents, should such be necessary; said penitentiary authorities shall also furnish all the brick and lime which may be necessary for the construction and completion of said building, and also all other materials which can be furnished through the convict labor, machinery and appliances of said penitentiary, and which may be necessary for the completion of said building: *Provided*, that the penitentiary shall be paid and advanced the funds necessary to defray expenses of guards, and actual cost of materials furnished.

Sec. 5. The board of education of the City of Santa Fe, of the Territory of New Mexico, shall provide suitable grounds on which to construct the building provided for by this act and shall also prepare, or cause to be prepared, all the plans and specifications for said building and hire and pay all architects, necessary superintendents, foremen and skilled labor which can not be supplied from the penitentiary convicts, and all other labor which may not be supplied by the penitentiary convicts.

Sec. 6. There is hereby donated and granted in fee simple to the board of education of the City of Santa Fe and Territory of New Mexico, in order that it may be used as a school house site, for the building in this act provided to be erected, if it should be suitable therefor, all that certain lot, piece and parcel of land situate within the City of Santa Fe, County of Santa Fe and Territory of New Mexico, described as follows:

“Beginning at a point on Washington Avenue where the southern line of the abandoned Fort Marcy military reservation terminates, being the southeast corner of the premises now occupied by Governor Otero, and running thence southerly more or less along Washington Avenue 158 feet 9 inches to the corner of a brick wall enclosing a corral on the north side of the Old Palace building; thence running westerly more or less along the north side of the adobe wall of the corral of the Old Palace building and along the wall enclosing the corral or yard to the north of the building occupied by the post office at Santa Fe, 261 feet and 6 inches to the northwest corner of the corral or yard on the north side of said building occupied for the post office; thence running northerly more or less along Lincoln Avenue 165 feet 4 inches to the southern line of the abandoned Fort Marcy military reservation and the property thereof now occupied by Governor Otero as his residence; thence easterly more or less along the southern line of the said abandoned Fort Marcy military reservation and part thereof now occupied by Governor Otero 267 feet to the place of beginning, being all of that portion of land lying between Washington and Lincoln Avenues and between the southern boundary of the abandoned Fort Marcy military reservation, where it is occupied by Governor Otero as his residence, and a north line described by a line extended from the north end or corner of the brick wall aforesaid along the wall extending therefrom in an east and west direction, and also extending straight along the projection of said wall, to the next wall in line therewith lying to the north of the yard or corral occupied by the post office at Santa Fe, to the northwest corner of the wall forming said corral or yard on Lincoln Avenue, except that there is not included in this grant

the portion of said lot and tract of land which has heretofore been granted to the Woman's Board of Trade and Free Library Association of the City of Santa Fe.

Sec. 7. This act shall be in force and effect from and after its passage and all acts and parts of acts in conflict therewith are hereby repealed.

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## CHAPTER 98.

AN ACT TO AMEND SECTION 8 OF THE COMPILED LAWS ON COMMUNITY DITCHES OR ACEQUIAS. *H. B. No. 122; Approved March 19, 1903.*

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### CONTENTS.

Sec. 1. Section 8, Compiled Laws of 1897, regarding community ditches being considered corporations. Amended.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That after the last word of section 8 of the Compiled Laws on community ditches or acequias there shall be added as follows: "And everyone of said community ditches beginning at the dam or entrance of the water, in continued course to the end of the same, shall be considered as one ditch or acequia only, to be superintended by three commissioners and one mayordomo as now provided by law, except that where two community ditches or more take water from a common ditch or head, they shall be and remain separate and under separate management."

Sec. 2. This act shall take effect and be in force from and after its passage.



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CHAPTER 99.

AN ACT REQUIRING MEMBERS OF COMMON COUNCILS IN INCORPORATED CITIES AND MEMBERS OF BOARDS OF TRUSTEES IN INCORPORATED TOWNS AND VILLAGES IN THE TERRITORY OF NEW MEXICO TO BE RESIDENTS AND OWNERS OF REAL ESTATE SUBJECT TO TAXATION WITHIN THE CORPORATE LIMITS OF SUCH CITY, TOWN OR VILLAGE. *H. B. No. 180; Approved March 19, 1903.*

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CONTENTS.

Sec. 1. Members of councils or boards of trustees. To be residents and owners of taxable real estate.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That no person shall be eligible to election or service as a member of the common council of any incorporated city or as a member of the board of trustees of any incorporated town or village in the Territory of New Mexico, unless at the time of his election such person shall reside within the corporate limits of the city, town or village in which he is elected and shall also be the owner of real estate subject to taxation situated within such corporate limits.

Sec. 2. This act shall take effect and be in force from and after its passage and all acts and parts of acts in conflict herewith are hereby repealed.

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CHAPTER 100.

AN ACT TO REQUIRE COUNTY SCHOOL SUPERINTENDENTS TO FURNISH THEIR OFFICIAL BONDS AND QUALIFY WITHIN CERTAIN TIME AND FOR OTHER PURPOSES. *H. B. No. 59; Approved March 19, 1903.*

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CONTENTS.

Sec. 1. County school superintendents to give bond.

Sec. 2. Present county school superintendents to give bond.

Sec. 3. Failure to give bond. Penalty.

Sec. 4. Failure to make apportionment of school funds. Penalty.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That the county school superintendents be and they are hereby required to furnish their respective official bonds within thirty days after having received their certificate of election or appointment.

Sec. 2. All present county school superintendents shall within thirty days after the passage of this act furnish their respective official bonds and fully qualify as now required by law.

Sec. 3. Any such county school superintendent failing to comply with the provisions of the foregoing sections shall be summarily removed by the governor who shall fill such vacancy as now provided by law.

Sec. 4. All county school superintendents who shall hereafter fail in making the apportionment of school funds in their respective counties and to file their reports relative thereto as now provided by law, shall be dealt with as provided in section 3 of this act.

Sec. 5. All laws and parts of laws in conflict herewith are hereby repealed and this act shall be in full force and effect from and after its passage.

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## CHAPTER 101.

AN ACT FIXING THE SALARIES OF COUNTY COMMISSIONERS OF COUNTIES OF THE FIRST CLASS. *C. B. No. 118; Approved March 19, 1903.*

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### CONTENTS.

Sec. 1. Boards of county commissioners. Salary.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That hereafter each member of the board of county commissioners of counties of the first class in the Territory of New Mexico, shall receive as salary the sum of eight hundred dollars (\$800.00) per year, to be paid from the general fund of such county.

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed, and this act shall be in full force and effect from and after its passage.

## CHAPTER 102.

AN ACT TO PROVIDE FOR THE BETTER PRESERVATION, CLASSIFICATION AND INDEXING OF THE SPANISH AND MEXICAN ARCHIVES OF THE TERRITORY. *C. S. for A. H. B. No. 118; Approved March 19, 1903.*

## CONTENTS.

Sec. 1 Territorial librarian authorized to send archives to library of congress. Provisions for preservation and return of archives.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That for the purpose of more effectually preserving and classifying the old Spanish and Mexican archives, prior to the year 1850, now in the possession of the territory, and of making the same useful to the general public and the historian, the territorial librarian is hereby authorized and directed to forward all such archives now in his custody, or which may be placed in his hands for the purpose, to the library of congress at Washington, upon securing from the librarian of congress a proper receipt therefor, and a written stipulation that the archives shall be properly classified; that all of them found to relate to land titles or to local and personal matter, and not to be of general historic interest, within one year after their reception at Washington, shall be returned to the territorial library at Santa Fe, without expense to this territory; that the remainder shall be accommodated and carefully preserved in the library of congress, and, as expeditiously as possible, analyzed and indexed; that a copy of such analysis and index shall be furnished, without charge, to the territorial librarian, to be kept in the territorial library at Santa Fe; that, should any of the documents be printed by the library of congress, a reasonable number of copies of the publication shall be supplied without charge to the territorial librarian, to be distributed by him as the territorial legislature may hereafter direct; and finally that within five years from the time of their reception in Washington, all of said documents shall be safely returned to the territorial or state librarian of New Mexico, without any expense to New Mexico.

Sec. 2. All acts and parts of acts in conflict herewith are hereby repealed, and this act shall take effect and be in force from and after its passage.

## CHAPTER 103.

AN ACT TO PRESERVE THE PUBLIC HEALTH. *C. B. No. 76; Approved March 19, 1903.*

## CONTENTS.

- Sec. 1. New Mexico board of health. Powers and duties.
- Sec. 2. Regulations regarding nuisances and causes of sickness.
- Sec. 3. Regulations as to railway cars. Proviso.
- Sec. 4. Regulations respecting articles communicating contagious diseases.
- Sec. 5. Inspection and abatement of nuisances and causes of sickness.
- Sec. 6. Removal of nuisance or cause of sickness by owner. Failure. Penalty.
- Sec. 7. Board may remove nuisance. Expense.
- Sec. 8. Right of entry to abate nuisance or cause of sickness.
- Sec. 9. Entry refused. Sheriff or constable to enter.
- Sec. 10. Isolation of persons infected with diseases dangerous to public health. Proviso.
- Sec. 11. Provision in case infected person cannot be removed.
- Sec. 12. Provision in case infected person cannot be removed.
- Sec. 13. Inspection of travelers coming from infected places. License to be obtained. Traveling without license. Penalty.
- Sec. 14. Justice of the peace or judge of district court may issue warrant for removal of infected persons.
- Sec. 15. Infected baggage, clothing or other goods. May be seized.
- Sec. 16. Small-pox. Quarantine. Notice.
- Sec. 17. Quarantine of infected precincts or counties.
- Sec. 18. Infected counties. Duty of president of board of health. May call special meeting.
- Sec. 19. Physicians or persons knowing of existence of contagious disease to report to health officer or justice of peace. Failure to report. Penalty.
- Sec. 20. House-holders failing to give notice. Penalty. Transportation of bodies dead of certain diseases prohibited. Preparation for transportation of bodies dead of certain diseases. Embalmers to obtain certificate. Transit permits. Shipping by express. Disinterred bodies.
- Sec. 21. Provisions for vaccination.
- Sec. 22. Appointment of county health officers and assistants. Powers.
- Sec. 23. Rules and regulations. Board to make. Publication.
- Sec. 24. Violation of provisions of this act. Penalty.
- Sec. 25. City or town health officer may be county health officer.
- Sec. 26. Costs of carrying out provisions of this act. By whom to be paid.
- Sec. 27. Board of health. Compensation.
- Sec. 28. City officers to aid in enforcing this act. Proviso.
- Sec. 29. Small-pox. Duty of school superintendents. Vaccination of children. Refusal of parents to permit vaccination of children. Penalty.
- Sec. 30. County health officer to vaccinate. Expense.
- Sec. 31. Vaccination of adults. Refusal. Penalty.
- Sec. 32. City councils and boards of trustees. May proclaim quarantine. Publication. May enforce rules and regulations.
- Sec. 33. Chapter 17, Laws of 1901, regarding preservation of public health. Repealed.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That the New Mexico board of health, created by chapter 18 of the acts of the 34th legislative assembly, be vested with the powers, and charged with the duties pre-

scribed by said chapter and any acts that have been or may hereafter be passed in amendment thereof.

Sec. 2. The board of health shall make such regulations respecting nuisances, sources of filth, and causes of sickness, applicable to any county, city, town, or village, in the territory, or any part of any such county, city, town, or village, as the peculiar conditions in such county, city, town, or village may in the judgment of said board of health at any time require.

Sec. 3. Said board may also make such regulations as the public health may require, in their judgment, for railway cars and trains of cars, being operated from place to place within the territory, or passing through the territory: *Provided, however*, that regulations applicable to cars or trains of cars shall in no wise conflict with the laws and constitution of the United States; and the enactment of such regulations so in conflict, shall not be held to make such regulations not so in conflict void.

Sec. 4. The said board of health shall also make such regulations as they may deem necessary for the public health and safety respecting any articles of personal property, or real estate, which may be capable of containing, conveying, or communicating any infection or contagion, or of creating any sickness. This section shall extend to and include all such articles of personal property as may be brought into or conveyed from any part of the territory to any other part of the territory, and to all such articles as may be brought into the territory from without the territory.

Sec. 5. The board of health shall examine into all nuisances, sources of filth, or causes of sickness, that may in their opinion be injurious to the health of the inhabitants of the territory, or of any county, city, town or village in the territory, or any part of the territory, or of any part of any county, town, city, or village of the territory. This section shall extend to and include the examination of such nuisances, sources of filth, or causes of sickness, as may be found in any railway car, or train of cars, and the board may make specific regulations for the control and abatement of the same.

Sec. 6. Whenever such nuisance, source of filth, or cause of sickness, shall be found on private property the board of health shall order the owner or occupant, or the person or persons that have caused or committed such nuisance, at his own expense, to remove the same within twenty-four hours, and in default thereof, he, she, or they, shall forfeit the sum of not less than twenty-five dollars (\$25.00) nor to exceed one hundred dollars (\$100.00). Each twenty-four hours failure

to obey such order, after the first, shall constitute a separate offense.

Sec. 7. If the owner or occupant shall not comply with such order of the board, the board may cause the said nuisance, source of filth, or cause of sickness to be removed, and the expense incurred thereby shall be paid by said owner, or by such other persons as shall have caused or committed the same. The remedy provided by this section and that provided by section 6, shall be deemed cumulative.

Sec. 8. Whenever the board of health, or any of its officers or agents, shall think it necessary for the preservation of the lives or health of any part of the inhabitants of the territory to enter any building, car or train of cars, or other premises, for the purpose of examining, abating, destroying, removing, or preventing any nuisance, source of filth, or cause of sickness, or danger to life or limb, and shall be refused such entry, any member of the board, or any of its officers or agents, may make complaint before any justice of the peace, or judge of the district court, stating the facts of the case so far as he has knowledge of them.

Sec. 9. Such justice or judge shall thereupon issue a warrant directed to the sheriff, or any constable of the county, in which such entry is refused, commanding him to take sufficient aid and between the hours of sunrise and sunset, to repair to the place where such nuisance, source of filth, or cause of sickness, or danger of life or limb, complained of may be and if deemed necessary, by the members of the board of health, or its proper officer or agent in attendance, destroy, remove, or prevent the same. Some member of the board or a duly authorized agent or officer shall always attend and direct the sheriff or constable in the service of such warrant.

Sec. 10. When any person coming from abroad, or residing within any county of this territory shall lately before have been infected with small-pox, bubonic plague, diphtheria, or other sickness, dangerous to the public health, the board shall make effectual provisions, in the manner which they shall judge best, for the safety of the public health, by removing such sick or infected person to a separate house, and providing for the keeping of such person or persons there, until danger of contagion is past: *Provided, however*, that unless such person is indigent the expense of enforcing this section shall be borne by the infected person or persons so isolated.

Sec. 11. If any such infected person cannot be removed without danger to his health, the board of health shall cause provision for such person to be made as provided in the next

preceding section, in the house in which he may be, and in such case they may cause the persons in the neighborhood to be removed, and may take such other measures in respect to the same as they may deem necessary for the safety of the public and the community in which such infected person may be found.

Sec. 12. If any such infected person cannot be removed without danger to his health, the board of health shall make such provisions for him as directed in the next preceding section, in the house in which he may be, and in such case they may cause the persons in the house or the persons in the neighborhood to be removed, and may take such other measures in respect to the same as they may deem necessary for the safety of the inhabitants.

Sec. 13. The board of health may appoint suitable persons to attend any places by which travelers may pass into the territory or from one county in the territory to another county in the territory, or from any part of a county into any part of the same county, from infected places or districts in other states or territories, or in other counties, or in an infected part of a county. The persons so appointed may examine such passengers and travelers as they may have reason to suspect of bringing with them any infection which may be dangerous to the public health, and if need be restrain them from traveling until licensed thereto by the board of health, and any person coming from such infected place or district who shall without license, as aforesaid, travel in violation of the requirements of said board of health, unless it be to travel in the most direct way to the place from whence he, she, or they may have come, after he, she, or they shall have been notified of the requirements of the said board, shall forfeit a sum of not less than twenty-five dollars (\$25.00) nor to exceed one hundred dollars (\$100.00), or may be imprisoned not to exceed thirty days.

Sec. 14. Any justice of the peace or judge of the district court, having jurisdiction in the county in which any person infected with a contagious or infectious disease may be found, may upon proper complaint being made by any member of the board of health, or any duly authorized agent or officer of said board, stating the facts under oath, so far as he has knowledge of them, and that he believes the facts stated, if upon information and belief, are true, may issue a warrant under his hand directed to the sheriff or any constable of his county, requesting such sheriff or constable, under direction of said board of health, or its duly authorized officer or agent to remove any person infected with contagious or infectious disease, and to take possession of convenient houses or lodg-

ings and to produce other necessities for the accommodation, safety and relief of such person.

Sec. 15. Whenever on application of the board of health, or any of its duly authorized officers or agents, it shall be made to appear to any justice of the peace or district judge, in any county in which such justice of the peace or district judge has jurisdiction, that there is just cause to suspect that any baggage, clothing, or goods of any kind, found within the county, are infected with any disease which may be dangerous to the public health, such justice of the peace or district judge shall by warrant under his hand directed to the sheriff or any constable of the county require him to take with him as many men as may be deemed necessary to secure such baggage, clothing, or other goods, and to post such men as guards over the house or place where such baggage, clothing, or other goods shall be, and said guards shall see to it that no person comes near to, or removes such baggage, clothing, or other goods until permitted so to do by the order of the said board of health. Such warrant shall also if it appear to be necessary require the officer to whom the same is directed, under the direction of the said board of health, to impress, rent, or otherwise procure convenient houses or stores for the safe-keeping of such baggage, clothing, or other goods, and the board of health may cause them to be removed to such houses or stores or to otherwise be detained until they shall in the opinion of the board of health be freed from infection.

Sec. 16. When small-pox or any other disease dangerous to the public health is found to exist in any county in this territory, the board of health shall use all possible care to quarantine and prevent the spreading of such infectious disease and shall give notice of infected places to travelers by such means as in their judgment shall be most effectual to the common safety.

Sec. 17. Whenever complaint under oath to said board of health shall be made, showing reasonable ground to believe that a contagious or infectious disease exists in any precinct or precincts, county or counties, in this territory, and the necessity of speedy action to prevent the spreading of the same, it shall be the duty of the said board of health to cause the same to be investigated, and if in their judgment the public health and safety requires it, to cause the said disease and the precinct, precincts, county or counties, in which the same is prevalent to be quarantined under the provisions of this act.

Sec. 18. Whenever such statement, as is mentioned in the last preceding section, shall be filed with the president of



the said board of health, showing reasonable grounds to believe that a contagious disease exists within any county in the territory, to such extent as to imperil the public health and safety, or that there is imminent danger of such disease being introduced therein from surrounding territory, the said president shall at once cause an investigation of the conditions with reference to the prevalence of such disease to be made. If he deems it necessary he shall call a meeting of the board of health to be held as soon as practicable, and the said board shall see to it that the public health and safety are protected by the enforcement of any of the provisions of this act which they may deem necessary or advisable.

Sec. 19. Whenever any physician or other person shall know that any person is sick with small-pox or other contagious or infectious disease, or of any nuisance dangerous to the public health, he shall at once give notice thereof, if within the limits of any incorporated city, town or village, to the health officer for the county in which such city, town or village is situated; and if not within such city, town or village, then to the justice of the peace in the precinct in which such disease or nuisance exists. Whenever such notice is given to any justice of the peace it shall be his duty to at once notify the health officer of the county. Any physician, justice of the peace or other person failing, neglecting or refusing to perform any duty imposed upon him by this section shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars (\$25.00), and not to exceed one hundred dollars (\$100.00).

Sec. 20. Whenever any householder shall know that any person in his family is sick with small-pox, or other contagious disease dangerous to the public health, he shall immediately give the notice thereof required by the last preceding section, and upon failure to give such notice shall be deemed guilty of a misdemeanor, and punished upon conviction as in said section provided.

The transportation of bodies dead of small-pox, asiatic cholera, yellow fever, typhus fever or bubonic plague, is absolutely forbidden. The bodies of those who have died of diphtheria (membranous croup), scarlet fever (scarlatina, scarlet rash), glanders, anthrax or leprosy, shall not be accepted for transportation unless prepared for shipment by being thoroughly disinfected by (a) arterial and cavity injection with an improved disinfecting fluid; (b) disinfecting and stopping of all orifices with absorbent cotton; and (c) washing the body with the disinfectant, all of which must be done by an embalmer holding a certificate as such approved by the territorial board of health. After being disinfected as above,

such body shall be enveloped in a layer of cotton not less than one inch thick, completely wrapped in a sheet and bandaged and encased in an air-tight zinc, tin, copper or lead-lined casket, all joints and seams hermetically soldered, and all enclosed in a strong, tight wooden box; or, the body being prepared for shipment by disinfecting and wrapping as above, may be placed in a strong coffin or casket and the said coffin or casket encased in an air-tight zinc, copper or tin case, all joints and seams hermetically soldered, and all enclosed in a strong outside wooden box.

The body shall be thoroughly injected with an approved disinfectant embalming fluid, and all orifices of the body, such as the nares, mouth, rectum and vagina in the female subject, then plugged with absorbent cotton. The body shall then be washed with the disinfectant and wrapped in absorbent cotton layers one inch thick, then bandaged and placed in an air-tight zinc or metallic case.

All clothing must be removed from the body, the whole arterial system and cavities, including the cerebro-spinal, injected with a disinfectant of the highest germicidal powers. The body must then be thoroughly washed with the disinfectant fluid, all other orifices plugged with absorbent cotton and then covered with absorbent cotton one inch thick, then bandaged and placed in an air-tight zinc or metallic case.

After protecting the hands by either vaseline or gloves, all clothing which has been around the body shall be thoroughly removed and burned. The body shall then be thoroughly washed with a disinfectant of the highest germicidal powers, and sufficient of the disinfectant and embalming fluid injected in the circulatory system to thoroughly saturate all the tissues of the body. All the main cavities of the body shall be filled with the disinfectant, and all orifices plugged with absorbent cotton. The body shall then be thoroughly washed with the disinfectant, wrapped in absorbent cotton not less than one inch thick, and then bandaged and placed in an air-tight zinc or metallic case. When the condition of the body demands the removal of the blood, it may be removed by using a bottle which contains not less than four ounces of the disinfecting fluid. The vein selected for the operation must be opened carefully and the tube introduced to the right auricle of the heart, and the blood aspirated into the bottle without exposing it to the air of the room and without coming into contact with the hands of the operator.

The bodies of those dead of typhoid fever, puerperal fever, erysipelas, tuberculosis and measles, or other dangerous communicable diseases, other than those specified in rules one and two, may be received for transportation when prepared

for shipment by filling cavities with an approved disinfectant, washing the exterior of the body with the same, stopping all orifices with absorbent cotton, and enveloping the entire body with a layer of cotton not less than one inch thick, all to be wrapped in a sheet and bandaged, and incased in an air-tight coffin or casket: *Provided*, that this shall apply only to bodies which can reach their destination within twenty-four hours from time of death. In all other cases such bodies shall be prepared for transportation in conformity with rule two. But when the body has been prepared for shipment by being thoroughly disinfected, as in rule two, by an embalmer holding a certificate from the territorial board of health, the air-tight sealing may be dispensed with.

The bodies of those dead of diseases that are not contagious, infectious or communicable, may be received for transportation when encased in a sound coffin or casket and enclosed in a strong outside wooden box: *Provided*, they reach their destination within thirty hours from time of death. If the body can not reach its destination within thirty hours from time of death, it must be prepared for shipment by filling cavities with an approved disinfectant, washing the exterior of the body with the same, stopping all orifices with absorbent cotton, and enveloping the entire body with a layer of cotton not less than one inch thick, and all wrapped in a sheet and bandaged, and encased in an air-tight coffin or casket; but when the body has been prepared for shipment by being thoroughly disinfected as in rule two, by an embalmer holding a certificate from the territorial board of health, the air-tight sealing may be dispensed with.

In cases of contagious, infectious or communicable diseases, the body must not be accompanied by persons or articles which have been exposed to the infection of the disease, unless certified by the proper health officer as having been properly disinfected; and before selling passage tickets, ticket agents shall carefully examine the transit permit and note the name of the passenger in charge, and of any other proposing to accompany the body, and see that all necessary precautions have been taken to prevent the spread of disease. The transit permit in such cases shall specifically state who is authorized by the health authorities to accompany the remains. In all cases where bodies are forwarded under rule two, notice must be sent by telegraph to the health officer at destination, advising the date and train on which the body may be expected. This notice must be sent by or in the name of the health officer at the initial point, and is to enable the health officer at destination to take all necessary precautions at that point.

Every dead body must be accompanied by a person in charge, who must be provided with a passage ticket, and also present a full first-class ticket, marked "corpse" for the transportation of the body, and a transit permit showing physician's or coroner's certificate, health officer's permit for removal, undertaker's certificate, name of deceased, date and hour of death, age, place of death, cause of death, and if of a contagious, infectious or communicable nature, the point to which the body is to be shipped, and when death is caused by any of the diseases specified in rule two, the names of those authorized by the health authorities to accompany the body. The transit permit must be made in duplicate, and the signatures of the physician or coroner, health officer and undertaker, must be on both the original and duplicate copies. The undertaker's certificate and paster of the original shall be detached from the transit permit, and pasted on the coffin box. The physician's certificate and transit permit shall be handed to the passenger in charge of the remains. The whole duplicate copy shall be sent to the official in charge of the baggage department of the initial line, and by him to the secretary of the state or provincial board of health of the state or province to which such shipment is made.

Dead bodies may be shipped by express, and when so shipped, the whole original transit permit shall be placed upon the outside of the box, and the duplicate forwarded by the express agent at point of origin to the secretary of the state or provincial board of health of the state or province to which said shipment was made.

Every disinterred body, dead from any disease or cause, shall be treated as infectious or dangerous to the public health, and must not be accepted for transportation unless said removal has been approved by the health authorities having jurisdiction where such body is to be disinterred, and the consent of the health authorities of the locality to which the corpse is consigned has first been obtained, and such disinterred remains must be enclosed in a hermetically sealed (soldered) zinc, tin or copper lined coffin or box. Bodies deposited in receiving vaults will be treated and considered the same as buried bodies.

Sec. 21. The board of health shall make suitable provisions for the inoculation of the inhabitants of the territory with cow-pox vaccine under the directions of the county health officers.

Sec. 22. The said board of health shall appoint in each county in the territory one reputable physician who shall be the county health officer, and shall be subject to the orders of the said board, and shall be its chief executive officer in his

county for the purpose of carrying out the provisions of this act. As many assistant health officers in any county may be appointed at any time as the board may think the public health and safety may require. Such county health officer and his assistants, for the purpose of enforcing the provisions of this act shall be vested with all the powers vested by law in a constable of the county and the reports required by section 19 to be made to the county health officer shall be made to the physician so appointed. The assistant health officers need not be physicians, but shall at all times act under the direction of the health officer of their respective counties.

Sec. 23. The said board is hereby authorized to make all proper rules and regulations for the proper enforcement of this act, not in conflict with the laws of the territory or laws of the United States, and all such rules and regulations when so made shall be published in the public press of the territory and shall be duly recorded as a part of the proceedings of said board and filed with the secretary of the territory.

Sec. 24. Any person violating any of the provisions of this act, or any of the rules and regulations adopted by said board, if punishment for the same is not herein otherwise provided for, shall be guilty of a misdemeanor and after conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) and not more than one hundred dollars (\$100.00), and may be prosecuted either by indictment or information, or before any justice of the peace in the county in which such offense is committed.

Sec. 25. The county health officer provided for by section 22 of this act, if there is any incorporated city, town, or village in the county for which he is appointed, shall be a resident of and be appointed from the principal incorporated city, town, or village in the county, and may be the same physician appointed health officer for such city, town, or village, by the municipal governing body thereof.

Sec. 26. The costs of carrying out the provisions of this act except as herein otherwise provided, when the same are incurred in any city, town, or village shall be paid by such city, town, or village, and it shall be the duty of the proper municipal authorities thereof to make proper provision therefor. All costs of enforcing the provisions of this act, incurred outside of any such incorporated city, town, or village, shall be paid by the board of county commissioners of the county in which the same are incurred as a part of the current expenses of such county, and it shall be the duty of the board of county commissioners to make proper provision therefor.

Sec. 27. The members of the territorial board of health for each day's service in attendance upon board meetings, or in the actual discharge of their duties as members of such board shall receive the sum of five dollars (\$5.00), together with their actual and necessary expenses while absent from their homes, to be audited and paid in the same manner as the expenses of the members of the territorial board of equalization are now by law required to be audited and paid.

Sec. 28. The mayor and council and trustees of incorporated cities, towns, and villages of the territory, and the marshals and police officers of such municipal incorporations shall aid in the enforcement of the provisions of this act; and nothing herein contained shall be construed to prohibit the enactment and enforcement of any ordinance by such municipal incorporation as supplementary to this act for the protection of the public health within the limits of such municipality: *Provided*, such ordinance does not conflict with the provisions of this act; and no power which may now be exercised by such municipal incorporation shall be held to be abridged or repealed, except so far as the same may be in conflict with this act.

Sec. 29. It shall be the duty of the school superintendent of each county, to see that all children in his county, of school age, are vaccinated against small-pox, and to that end, each teacher of a public school shall see that the children in his district are successfully vaccinated or have been vaccinated within one year previous, and it shall be unlawful for any child to attend school, or for any teacher to allow such child within any school house unless so vaccinated, or showing proper certificate that it has been vaccinated, such teacher shall make report of the number of children whom they have caused to be vaccinated and those who have presented certificates that they have been vaccinated, to the county school superintendent at the beginning of the school year and as often thereafter as they may deem necessary, together with the report of the names of any parents who refuse to allow their children to be vaccinated, and any person who shall so refuse or neglect to have his or her children vaccinated in accordance with the law, shall be deemed guilty of a misdemeanor, and upon a report to that effect by the county superintendent, it shall be the duty of the sheriff or any constable whom he may designate, to arrest such person, and upon being convicted, he shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or imprisoned in the county jail, not exceeding one hundred days, and the fine so imposed shall go to and be a part of the school fund of the district in which such offender lives. These pro-

visions shall apply to children and parents in incorporated cities, and towns, and the duties heretofore imposed upon county school superintendents are hereby made applicable to boards of education therein.

Sec. 30. The vaccination provided for in the previous section, shall be done by the county health officer provided for by section 22 of this act, or by his assistants and under his direction, and shall be paid for by the parents of such children, when they are able to do so, but in case of their inability to pay for the same by reason of poverty, the same shall be paid for by the board of education, or school directors of the several districts out of the school fund.

Sec. 31. It shall be the duty of the board of health to make and enforce all necessary rules and regulations for the vaccination against small-pox of the adult population as well as of the children within school age, and enforce the same by proper orders, and if any adult person shall refuse or neglect to carry out any of the orders of the said board in that behalf, he shall be guilty of a misdemeanor and after conviction shall be punished as hereinbefore provided in section 24 of this act. Vaccine matter shall be provided at the cost of the county, municipal corporation, board of education, or school trustees, as hereinbefore provided for other expenses.

Sec. 32. Whenever the necessity shall appear, the said board of health, or the president thereof may authorize any board of county commissioners, city council, board of town or village trustees of any municipal corporation in the territory to constitute and proclaim a quarantine against other locations in the territory and enforce the same under such rules and regulations as are usual, requisite or necessary for the purpose of preventing the spread of contagious and infectious diseases, and notice shall be given of such quarantine with its provisions, by a publication in a newspaper published in the locality where the quarantine is to be maintained, or if none is published then in the newspaper published at the county seat of the county, and in one published at the capital of the territory, and of the time when said quarantine is instituted, against what disease, and when the same is raised, and such boards and municipal incorporations shall have power to enforce all quarantine rules and regulations by prosecution, fine, and imprisonment and to summarily punish all offenders under such reasonable rules, regulations and ordinances as they may prescribe in order to make such quarantine effective, not in conflict with this act.

Sec. 33. Chapter 17 of the Acts of 1901, be and the same is hereby repealed except so far as the provisions thereof are by this act re-enacted and all other laws and parts of laws in

conflict are hereby repealed. This act shall not be construed however as re-enacting the laws specifically repealed by said chapter 17 of the Acts of 1901. This act shall be in force and effect from and after the date of its passage.

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## CHAPTER 104.

AN ACT TO AMEND AN ACT OF THE 35TH LEGISLATURE ENTITLED "AN ACT GROUPING THE SEVERAL COUNTIES OF THE TERRITORY INTO DISTRICTS FOR DISTRICT ATTORNEY PURPOSES AND PROVIDING FOR THE APPOINTMENT OF DISTRICT ATTORNEYS THEREFOR," APPROVED MARCH 12, 1903. *H. B. No. 219; Approved March 19, 1903.*

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### CONTENTS.

Sec. 1. Section 1, chapter 46, Laws of 1903, regarding residence of district attorneys. Amended.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That an act of the 35th Legislative Assembly entitled "An Act grouping the several counties of the territory into districts for district attorney purposes and providing for the appointment of district attorneys therefor," approved March 12, 1903, be and the same is hereby amended by striking out the words "each of whom shall be a resident in some one of the counties of the district for which he is so appointed," in section 1 of said act.

Sec. 2. This act shall be in full force and effect from and after its passage.

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## CHAPTER 105.

AN ACT PROVIDING FOR THE ANNEXATION OF CONTIGUOUS TERRITORY TO CITIES, TOWNS AND VILLAGES. *C. B. No. 54; Approved March 19, 1903.*

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### CONTENTS.

Sec. 1. Petition for annexation of contiguous territory. City councils or boards of trustees to act upon petition.

Sec. 2. Adoption of resolution favoring annexation. Petition. Survey and plat to be filed. Question of annexation to be submitted to voters.

Sec. 3. Notice of annexation. Proclamation by mayor.

Sec. 4. Election not to be held within sixty days of city, or town election.



Sec. 5. Contiguous territory annexed. Division into wards. Rights of voters.

Sec. 6. Special election. Mayor to give notice by proclamation.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Whenever a petition asking for the annexation of contiguous territory to any city, town or village shall be presented to the city council of any city, or the board of trustees of any town or village or by petition signed by a majority of the tax payers, resident in any contiguous territory sought to be annexed to such city, town or village, accompanied by a survey and a plat of the contiguous territory sought to be annexed, it shall be the duty of the city council or board of trustees of any such city, town or village, to whom said petition is presented to express by resolution or ordinance their consent or rejection, to the annexation of such contiguous territory.

Sec. 2. If the city council or board of trustees of any city, town or village, shall adopt a resolution or ordinance favoring the annexation of such contiguous territory, the petition, survey and plat, together with the resolution or ordinance adopted by such city, town or village, shall be filed in the office of the probate clerk and ex-officio recorder of the county in which such city, town or village is situated and thereupon the mayor of such city, town or village, shall within sixty days after the lodging of such petition, survey, plat and resolution or ordinance in the probate clerk's as aforesaid, publish a proclamation in some newspaper published in the city, town or village to which said contiguous territory is sought to be annexed, for a period of thirty days before the date fixed for election, fixing the date when the question as to whether said contiguous territory shall be annexed, shall be submitted to the determination of the legal voters, residents and tax payers of the contiguous territory sought to be annexed.

The vote cast shall be returned and canvassed in the same manner and by the same officers as returns of city, town or village elections are now canvassed, and in compliance with the statutes regulating the returns and canvass of the vote cast at such elections. The ballots to be used at such elections shall be provided by the city council or board of trustees of such city, town or village, and shall have written or printed on them the words "for annexation," and "against annexation." Ballots shall be provided separately containing such words. If a majority of the ballots cast, as determined from the returns and canvass of the votes cast, shall be in favor of annexation, the said territory sought to be annexed shall at once become a part of said city, town or village, to all

intents and purposes as if originally a part of said city, town or village; otherwise such territory shall not become annexed.

Sec. 3. Thereupon the mayors of such city, town or village, shall cause to be published, in the same manner as the ordinances of such city, town or village are published, a proclamation giving notice that such contiguous territory has been annexed.

Sec. 4. The election hereinbefore provided for shall be a special election, and no such election shall be held within sixty days of the time for holding the regular city, town or village election for electing the officers of such city, town or village.

Sec. 5. The voters in such contiguous territory shall have the right to vote at the regular election next following such annexation, and it shall be the duty of the city council or board of trustees to provide by ordinance for the division of such territory into wards or for attaching the same to wards already existing in such city, town or village, to enable the voters in such annexed territory to take part in such regular election.

Sec. 6. The mayor shall give notice by proclamation of the time of holding said special election, and of the polling places selected therefor and of the judges and clerks appointed for holding the same in the same manner as in the case of the regular elections held for officers of such city, town or village.

Sec. 7. This act shall be in full force and effect from and after the date of its passage; and all laws and parts of laws in conflict herewith, are hereby repealed.

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## CHAPTER 106.

AN ACT TO AMEND SECTION 1 OF CHAPTER 108 OF THE SESSION LAWS OF 1901, APPROVED MARCH 21, 1901. *C. S. for H. B. No. 126; Approved March 19, 1903.*

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### CONTENTS.

Sec. 1. Section 1, chapter 108, Laws of 1901, regarding licenses by dealers in merchandise. Amended.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 1 of chapter 108 of the Session Laws of 1901, approved March 21, 1901, which section amends subdivision second of section 4141 of the Compiled Laws of

New Mexico of 1897, be and the same is hereby amended so that the said second subdivision of said section 4141 of said Compiled Laws shall read as follows: "Second. Dealers in merchandise other than liquors, whose annual sales do not exceed three thousand dollars (\$3,000.00) shall pay a license tax of five dollars (\$5.00) per annum. Dealers in merchandise other than liquors, whose annual sales exceed three thousand dollars (\$3,000.00) and do not exceed ten thousand dollars (\$10,000.00) shall pay a license tax of ten dollars (\$10.00) per annum."

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed and this act shall be in full force and effect from and after its passage.

## CHAPTER 107.

AN ACT TO CREATE COUNTY BOARDS OF HORTICULTURAL COMMISSIONS IN THE TERRITORY OF NEW MEXICO, AND TO PROMOTE THE HORTICULTURAL INTERESTS IN SAID TERRITORY. *C. B. No. 21; Approved March 19, 1903.*

### CONTENTS.

- Sec. 1. County board of horticultural commissioners. Appointment. Vacancies. Term of office.
- Sec. 2. Powers and duties of board. Proviso.
- Sec. 3. Board. To district county. Appoint local inspector. Powers of inspection.
- Sec. 4. Records to be kept. Report to county commissioners.
- Sec. 5. Compensation.
- Sec. 6. Removal of inspectors. Members of board failing to perform duties. Penalty. Failure to make report. Penalty.
- Sec. 7. Meetings of board. Organization. Officers to give bond. Donations.
- Sec. 8. Duties of chairman.
- Sec. 9. Duties of secretary.
- Sec. 10. Duties of treasurer.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Within twenty days after the passage of this act it shall be incumbent upon the county commissioners of each county of New Mexico, on petition of ten tax-paying citizens of said county, to select three competent persons, fruit growers, or owners of orchards, residents of such county, who shall be known as the County Board of Horticultural Commissioners. The board of county commissioners shall fill any vacancy that may occur in said board by death, resignation, or otherwise, and appoint one horticultural commissioner each year, or thereabouts, one month, or thereabouts, previous to the expiration of the term of office of any member of the said county board of horticultural com-

missioners. Said county board of horticultural commissioners shall serve for a term of three years from date of appointment, except the commissioners first appointed, one of whom shall serve for one year, one of whom for two years, and one of whom for three years from date of appointment. The commissioners first appointed shall themselves decide by lot or otherwise, who shall serve for one year, who shall serve for two years and who shall serve for three years, and shall notify the board of county commissioners of the result of their choice.

Sec. 2. It shall be the duty of the county board of horticultural commissioners in each county, whenever it shall deem it necessary, to cause an inspection to be made of any orchard, or nursery, or trees, or any fruit packing house, store-room, sales-room, or any other place in their jurisdiction, and if found infested with scale bug, codlin moth or other insect pest injurious to fruit, trees, and vines, they shall notify the owner or owners, or person or persons in charge or possession of said trees or place, aforesaid, that the same are infested with said insects, or any of them, or their eggs or larvae, and they shall require such person or persons to disinfect or destroy the same within a certain time, to be specified: *Provided*, that no spraying of trees while in bloom shall be required to be done. If within such time such disinfection or destruction has not been accomplished, the said person or persons shall be required to make application of such treatment for the purpose of destroying them as said commissioners may prescribe. Said notices may be served upon the person or persons owning or having charge or possession of such infested trees, or places, or articles as aforesaid, by any commissioner, or by any person deputed by the said commissioners for that purpose, or they may be served in the same manner as a summons in a civil action. If the owner or owners, or persons in charge or possession of any orchard, or nursery, or trees or places, or articles, infested with said insects, or any of them, or their larvae or eggs, after having been notified as above to destroy the same, or make application of treatment as directed, shall fail, neglect, or refuse to do so, he or they shall be deemed guilty of maintaining a public nuisance, and any such orchards, nurseries, trees, or places, or articles thus infected shall be adjudged and the same is hereby declared a public nuisance, and may be proceeded against as such. If found guilty, the court shall direct the aforesaid county board of horticultural commissioners to abate the nuisance. The expenses thus incurred shall be a lien upon the real property of the defendant.

Sec. 3. The said county board of horticultural commis-

sioners shall have power to divide the county into districts and to appoint a local inspector for each of said districts. The board of county commissioners of each county shall issue commissions as quarantine guardians to the members of said county board of horticultural commissioners, and to the local inspectors thereof. The said quarantine guardians, local inspectors, or members of said county boards of horticultural commissioners, shall have the authority to enter into any orchard, nursery, or place or places where trees or plants are kept and offered for sale, or otherwise, or any house, store-room, sales-room, depot, or any other such place in their jurisdiction, to inspect the same, or any part thereof.

Sec. 4. It shall be the duty of said county board of horticultural commissioners to keep a record of their official doings, and to make a report to the board of county commissioners on or before the first day of October of each year, of the condition of the fruit interests in their several districts, what is being done to eradicate insect pests, also as to the disinfecting and as to quarantine against insects, pests and diseases, and as to carrying out all laws relative to the greatest good of the fruit interest. Said board of county commissioners shall incorporate so much of said report as may be of general interest in their annual report which they shall make to the governor of said territory on or before the first day of December of each year.

Sec. 5. Each member of the county board of horticultural commissioners, and each local inspector, shall be paid for each day actually engaged in the performance of his duties under this act, payable out of the county treasury of his county, such compensation as shall be determined by resolution of the board of county commissioners of the county, before entering into the discharge of his or their duties.

Sec. 6. Said county board of horticultural commissioners shall have power to remove any local inspector who shall fail to perform the duties of his office. If any member of the county board of horticultural commissioners shall fail to perform the duties of his office, as required by this act, he may be removed from office by the board of county commissioners, and the vacancy thus formed may be filled by appointment by said board of county commissioners. In addition to the annual report required by section 5 of this act, the county board of horticultural commissioners shall make a monthly report of their doings to the board of county commissioners and the board of county commissioners may withhold warrant for their salary or compensation of said members and inspectors thereof until such time as said report is made.

Sec. 7. The county board of horticultural commissioners

may receive, manage, use and hold donations and bequests for promoting the objects of its formation. It shall meet semi-annually, and as much oftener and at such places as it may deem expedient, to consult and adopt such measures as may best promote the horticultural industry of the county. It may, but without expense to the county, select and appoint competent and qualified persons to lecture in the county, for the purpose of illustrating practical horticultural topics, and imparting instruction in the methods of culture, pruning, fertilizing and also in the best methods of treating diseases of fruits and fruit trees, cleansing orchards and exterminating insect pests. The county board of horticultural commissioners, shall at their first meeting select from among themselves a chairman, a secretary and a treasurer who shall furnish bond to the county commissioners in the sum of five hundred dollars (\$500.00) for the faithful discharge of his duties.

Sec. 8. The chairman shall preside at all meetings of the board, shall countersign all checks for moneys paid out, and shall sign all contracts to which the county board of horticultural commissioners is a party: *Provided*, the same shall have been approved by the board. He shall have power to call a meeting of the board at any time he deems it necessary, whenever requested by a majority of the board, or when requested in writing by six of the resident fruit growers.

Sec. 9. The secretary shall attend all meetings of the board, and preserve records of its proceedings and all its correspondence, collect and preserve such books, pamphlets, periodicals and other documents as may be of interest to the horticulturalist, and to correspond with agricultural and horticultural societies and colleges and what other persons and bodies as he may be directed by the board. He shall also prepare such reports as are required by the board, and perform such other duties as will pertain to the office.

Sec. 10. The duties of the treasurer shall be to receive and safely keep all moneys of the board. He shall pay out the same only for bills approved by the board, and shall render a detailed account to the board before the first of October of each year, or as often as may be required by the board, showing the amount of money received by the board and paid out by him. At the expiration of his term of office he shall turn over to his successor in office all moneys, books, and papers of the board. He shall give bond in sum as provided for.

## CHAPTER 108.

AN ACT PROVIDING FUNDS AND MAKING APPROPRIATIONS FOR THE 55TH AND 56TH FISCAL YEARS AND FOR OTHER PURPOSES. *C. S. for H. S. for C. S. for C. B. No. 57; Law by Limitation, March 19, 1903.*

## CONTENTS.

- Sec. 1. Payment of interest on bonded indebtedness. Proviso.
- Sec. 2. Support and maintenance of territorial institutions. Proviso. Chapter 69, Laws 1901. Repealed.
- Sec. 3. Charitable institutions.
- Sec. 4. Territorial purposes.
- Sec. 5. Appropriations for 55th fiscal year extended to the 56th fiscal year. Exception.
- Sec. 6. Surplus of any given fund of one year transferred to the same fund of the year following.
- Sec. 7. Beginning of fiscal year. Penitentiary current expense fund.
- Sec. 8. Pay of territorial officials. Proviso. Supreme court fund. Miscellaneous fund. Sheriffs. Public wagon road. Deficiencies. Militia.
- Sec. 9. Section 4021, Compiled Laws of 1897, regarding levy for current county expenses. Amended.
- Sec. 10. Section 1537, Compiled Laws of 1897, regarding tax levy for school purposes. Amended.
- Sec. 11. Court house repair fund.
- Sec. 12. Provision in case any legislative assembly fails to pass appropriation bill.
- Sec. 13. Temporary provisional indebtedness fund. Application of proceeds. Chapter 100, Laws of 1901, regarding Louisiana Purchase Exposition. Repealed. Proviso.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. For the 55th fiscal year the following appropriations or so much thereof as may be deemed necessary are hereby made and directed to be paid for the purposes hereinafter expressed, to-wit: For the payment of interest on bonded indebtedness sixty-two thousand dollars (\$62,000.00): *Provided*, that if at any time the moneys in the interest fund are insufficient for the payment of interest coupons as they mature, it shall be the duty of the territorial treasurer to borrow temporarily a sufficient sum to complete the said payment, and for that purpose he, the said treasurer, is hereby authorized and empowered to make and negotiate the necessary loan on the best terms obtainable, and at a rate of interest not exceeding six per cent. per annum. The auditor of public accounts shall countersign any and all papers necessary for the negotiation of said loan and charge the proceeds to the treasurer, and the treasurer shall redeem such paper out of the moneys coming into the interest fund.

Sec. 2. For the support and maintenance of the New Mexico College of Agriculture and Mechanic Arts, the University

of New Mexico, the New Mexico School of Mines, the New Mexico Normal School at Silver City, the New Mexico Normal School at Las Vegas, the New Mexico Military Institute at Roswell, the New Mexico Insane Asylum at Las Vegas, the Miners' Hospital at Raton, the Institute for the Blind at Alamogordo, the Reform School to be hereafter located at the County of Taos, Rio Arriba or San Juan, the Deaf and Dumb Asylum at Santa Fe, all territorial institutions, an annual tax levy shall be made each and every year hereafter, commencing with the 55th fiscal year, to the amount of four and eighty-five hundredths (4.85) mills on the dollar, in addition to that provided for other purposes, which shall be made and collected, and the product of such levy shall be distributed as follows, to-wit:

To the New Mexico College of Agriculture and Mechanic Arts forty one-hundredths (.40) of one mill; and, for the purpose of re-paying the sum of sixty-two hundred dollars (\$6,200.00) heretofore advanced by certain citizens to said institution, and making permanent improvements in and upon said New Mexico College of Agriculture and Mechanic Arts, and the construction of buildings, etc., there is hereby appropriated the sum of twenty-five thousand dollars (\$25,000.00) out of the temporary provisional indebtedness fund hereinafter created, which said amount of twenty-five thousand dollars (\$25,000.00) hereby so appropriated shall be covered into the treasury of the Territory of New Mexico to the credit of said fund out of the proceeds of the sale of any lands belonging to said institution, so soon as said lands or any part thereof may be sold.

To the University of New Mexico sixty-five one-hundredths (.65) of one mill; and for the purpose of making permanent improvements and the construction of buildings in connection with said University of New Mexico there is hereby appropriated the sum of twenty thousand dollars (\$20,000.00), out of the temporary provisional indebtedness fund hereinafter created.

To the New Mexico School of Mines forty-five one-hundredths (.45) of one mill.

To the New Mexico Normal School at Silver City fifty one-hundredths (.50) of one mill.

To the New Mexico Normal School at Las Vegas fifty one-hundredths (.50) of one mill.

To the New Mexico Military Institute at Roswell forty-five one-hundredths (.45) of one mill; and, for the purpose of making permanent improvements and the construction of buildings in connection with said New Mexico Military Institute there is hereby appropriated the sum of ten thousand dollars



(\$10,000.00) out of the temporary provisional indebtedness fund hereinafter created, which said amount of ten thousand dollars (\$10,000.00) hereby so appropriated shall be covered into the treasury of the Territory of New Mexico to the credit of said fund out of the proceeds of the sale of any lands belonging to said institution, so soon as said lands or any part thereof may be sold.

To the New Mexico Insane Asylum at Las Vegas one and one-half (1.5) mills; and, for the purpose of making permanent improvements and the construction of buildings in connection with said New Mexico Insane Asylum there is hereby appropriated the sum of twenty-five thousand dollars (\$25,000.00) out of the temporary provisional indebtedness fund hereinafter created, which said amount of twenty-five thousand dollars (\$25,000.00) hereby so appropriated shall be covered into the treasury of the Territory of New Mexico to the credit of the said fund out of the proceeds of the sale of any lands belonging to said institution, so soon as said lands or any part thereof may be sold; and there is hereby also further appropriated all moneys now in the territorial treasury or hereafter coming into said treasury, levied and collected under the provisions of chapter 69 of the Acts of 1901, being an act providing for geological surveys in the Territory of New Mexico; and the territorial treasurer is hereby directed to transfer all such funds now in his hands to the said territorial insane asylum in addition to the sum of twenty-five thousand dollars (\$25,000.00) hereinbefore appropriated for such institution, and to transfer such other funds out of the said geological survey fund so hereafter coming into his hands under the provisions of said act to said institution; and said chapter 69 of the laws of 1901 is hereby repealed in all of its parts and provisions: *Provided*, that hereafter it shall be the duty of the authorities of said insane asylum to receive all indigent insane from any part or county of the territory who are entitled to admittance in said asylum without regard to the quota now in said asylum from any particular county in said territory.

To the Miners' Hospital at Raton ten one-hundredths (.10) of one mill; and, for the purpose of making permanent improvements and the construction of buildings, etc., in connection with said Miners' Hospital there is hereby appropriated the sum of seven thousand eight hundred dollars (\$7,800.00) out of the temporary provisional indebtedness fund hereinafter created, which said amount of seven thousand eight hundred dollars (\$7,800.00) hereby so appropriated shall be covered into the treasury of the Territory of New Mexico to the credit of said fund out of the proceeds of the

sale of any lands belonging to said institution, so soon as said lands or any part thereof may be sold.

To the Institute for the Blind at Alamogordo ten one-hundredths (.10) of one mill; and, for the purpose of making permanent improvements, and the construction of buildings in connection with said Institute for the Blind there is hereby appropriated the sum of seven thousand dollars (\$7,000.00) out of the temporary provisional indebtedness fund hereinafter created, which said amount of seven thousand dollars (\$7,000.00) hereby so appropriated shall be covered into the treasury of the Territory of New Mexico to the credit of said fund out of the proceeds of the sale of any lands belonging to said institution, so soon as said lands or any part thereof may be sold.

To the Reform School to be hereafter located at the County of Taos, Rio Arriba or San Juan ten one-hundredths (.10) of one mill; and, for the purpose of making permanent improvements and the construction of buildings in connection with the said Reform School there is hereby appropriated the sum of four thousand four hundred dollars (\$4,400.00), out of the temporary provisional indebtedness fund hereinafter created, which said amount of four thousand four hundred dollars (\$4,400.00) hereby so appropriated shall be covered into the treasury of the Territory of New Mexico to the credit of the said fund out of the proceeds of the sale of any lands belonging to said institution, so soon as said lands or any part thereof may be sold.

For the Deaf and Dumb Asylum at Santa Fe ten one-hundredths (.10) of one mill: *Provided*, that no funds now on hand from the sale of lands belonging to any institutions shall be covered into the treasury, and proceeds from the future sale of lands for the Miners' Hospital, Institute for the Blind and Reform School shall not be covered into the treasury until six thousand dollars (\$6,000.00) in addition to the amounts above provided shall have been paid to each of said institutions for the maintenance and equipment thereof from the future sales of lands belonging thereto: *Provided*, that the secretary and treasurer of such institutions shall receive no compensation as such secretary and treasurer out of territorial funds.

Sec. 3. That the St. Vincent's Hospital at Santa Fe, the Grant County Hospital at Silver City, the Sisters of Mercy Hospital at Silver City, the Ladies Hospital at Deming, the Eddy County Hospital at Carlsbad, the Orphan's School at Santa Fe, the Relief Society at Las Vegas, the Sisters Hospital at Albuquerque, the Gallup Hospital, all charitable institutions, for the support and maintenance of which an an-

nual tax levy shall be levied each and every year hereafter commencing with the 55th fiscal year, to the amount of eighty-six one-hundredths (.86) of one mill on the dollar, in addition to that provided for other purposes, and shall be made and collected, and the proceeds of such levy shall be distributed as follows, to-wit:

To the St. Vincent's Hospital at Santa Fe twelve one-hundredths (.12) of one mill.

To the Grant County Hospital at Silver City six one-hundredths (.06) of one mill.

To the Sisters of Mercy Hospital at Silver City six one-hundredths (.06) of one mill.

To the Ladies Hospital at Deming six one-hundredths (.06) of one mill.

To the Eddy County Hospital at Carlsbad six one-hundredths (.06) of one mill.

To the Relief Society of Las Vegas eight one-hundredths (.08) of one mill.

To the Sisters' Hospital at Albuquerque eight one-hundredths (.08) of one mill.

To the Orphan's School at Santa Fe eighteen one-hundredths (.18) of one mill.

To the Gallup Hospital at Gallup six one-hundredths (.06) of one mill, to be expended by the county commissioners of McKinley county.

To the Sisters of Loretto at Taos five one-hundredths (.05) of one mill to be used by them in caring for the indigent sick.

Sec. 4. For territorial purposes there shall be levied for the 55th fiscal year upon each dollar of taxable property six (6) mills on the dollar, and for each fiscal year thereafter there shall be levied upon each dollar of taxable property six (6) mills on the dollar: *Provided*, that the territorial treasurer shall distribute the cash product of the tax levy of each fiscal year in the proportion that each appropriation bears to the total appropriation.

Sec. 5. The same appropriations made for the 55th fiscal year are hereby extended to the 56th fiscal year, and the same amounts and sums of money appropriated for the 55th fiscal year are hereby appropriated for the 56th fiscal year, except the appropriations made for printing the laws and journals of the 35th legislative assembly, and the cash appropriations of the sums named and appropriated to the different territorial institutions.

Sec. 6. At the end of each fiscal year and after any appropriations and expenditures which may be required to be paid out of any particular fund or funds shall have been paid, all the surplus which shall remain in any or either one of the

particular funds shall be transferred by the territorial treasurer to the credit of the same fund for the following fiscal year.

Sec. 7. The 55th fiscal year shall end on the last day of November, 1904; and each fiscal year thereafter shall begin on the first day of December and end on the last day of November.

For the penitentiary current expense fund there shall be paid as follows:

PAY OF OFFICERS AND EMPLOYES.

One superintendent.....	\$2,000 00
One assistant superintendent.....	1,200 00
One physician.....	600 00
One chaplain.....	200 00
One yardmaster.....	600 00
One cell-house keeper, day.....	480 00
One assistant cell-housekeeper.....	420 00
One cell-house keeper, night.....	480 00
One clerk and store-house keeper.....	600 00
One captain, day guards.....	480 00
One captain, night guards.....	480 00
Ten day guards.....	3,600 00
Four night guards.....	1,440 00
One matron.....	600 00

For the relief of Felipe Armijo, wounded in discharge of duty in preventing escape of prisoners from the penitentiary, payable out of any funds now in the treasury except interest fund..... 350 00

For rations, tobacco, clothing, cash for discharged convicts, rewards, fuel and lights, water service, medicines, beds and bedding, furniture and utensils, blacksmithing, repairs to building, stationery, books for convicts, tools, wagons and horses, machinery, and for all other necessary material and expenses, the amount of thirty thousand dollars (\$30,000.00), and the proceeds of the material or articles manufactured by convict labor: *Provided*, that three hundred dollars (\$300.00) of the above fund shall be used for a permanent library, one-half of such library to be in the Spanish language, for convicts; and one thousand dollars (\$1,000.00) of said fund shall be used for insurance of penitentiary buildings against fire: *Provided*, further, that the penitentiary is hereby required to furnish electric lights at cost to the capitol building and the deaf and dumb asylum, and shall also be authorized to sell electric lights in the City of Santa Fe, upon such terms as in the judgment of the superintendent of the penitentiary and the board of penitentiary commissioners are proper.

Sec. 8. Pay to the territorial officers for the 55th fiscal year:

SALARY FUND.

For the superintendent of public instruction, salary and traveling expenses.....	\$ 2,500 00
For clerk to superintendent of public instruction..	1,200 00
and the same amount in proportion for the 54th fiscal year, from the passage of this act to December 1st, 1903.	
For salary of district attorneys.....	4,000 00
For salary of solicitor general.....	2,000 00
For salary of territorial auditor and clerk.....	3,000 00
For salary of territorial treasurer and clerk.....	3,000 00
For salary of territorial librarian.....	600 00
For salary of secretary and clerk bureau of immigration.....	1,200 00
For salary and expenses penitentiary board.....	1,500 00
For salary of adjutant general.....	1,000 00
For salary and expenses judges district courts....	7,500 00
For salary clerks and deputies district courts....	16,000 00
For salary and mileage territorial board of equalization.....	2,000 00
For salary of clerk of supreme court.....	1,200 00
For salary territorial game and fish warden.....	1,800 00
For salary of private secretary to the governor, which shall be payable monthly.....	1,500 00
For salary of governor's messenger and door-keeper, which shall be payable monthly.....	180 00

*Provided*, that each clerk of the district court shall be entitled to receive out of the sum appropriated pay at the rate of thirty-two hundred dollars (\$3,200.00) per calendar year, as full compensation for himself and deputy or deputies; and the sums of money allowed to the clerks of the district courts and judges of the district courts shall be payable quarterly:

*Provided, further*, that clerks of the district courts shall demand and collect in advance all fees payable as clerk's fees in any court, and shall promptly turn the same over quarterly to the territorial treasurer: *Provided*, that the defendants in criminal cases shall not be required to pay advance fees: *Provided, further*, that clerks of the district courts shall hereafter require and collect in advance a fee of five dollars (\$5.00) before docketing any case filed originally in their offices, and two dollars and fifty cents (\$2.50) for docketing any case appealed from the justice of the peace court, probate court or board of county commissioners, and shall collect such fee from the plaintiff or appellant, as the case may be, when he enters his appearance in the case; and whenever such advance

fees shall have been consumed such clerks shall require an additional fee of five dollars (\$5.00) in original cases, and two dollars and fifty cents (\$2.50) in appeal cases, and shall demand and receive no further fees from either party until all such advance fees have been used and consumed. Such clerks shall be accountable to the party making such advance fees, for any unconsumed fee, and shall turn over all fees for which services have been rendered, to the territorial treasurer, as above provided: *Provided, further*, that such clerks shall only charge against such advance fees the costs created by the party advancing such fee: *Provided, further*, that no order, decree or judgment shall be entered of record until all costs are paid for, unless by direction of the court: *Provided, further*, that such clerks shall be entitled to retain all fees collected for transcripts, seals, certificates and acknowledgments.

#### SUPREME COURT FUND.

For printing briefs and expenses in cases brought and defended by the territory, and actual expenses incurred by the solicitor general when legally required to attend and defend cases brought by the territory in any of the district courts situate outside of the district. . . . . \$200 00

For printing dockets and calendars, supreme court.. 200 00

The salary allowed to the clerk of the supreme court shall be in lieu of all per diem and fees that the said clerk would be entitled to charge against the territory; and hereafter the clerk of the supreme court shall not be entitled to make any charge whatsoever against the territory for any services rendered, but he shall be entitled to receive, out of the above appropriation, as salary and as compensation in full for all services performed for the territory as clerk of the supreme court, and out of all appropriations hereafter made, pay at the rate of twelve hundred dollars (\$1,200.00) per annum.

#### MISCELLANEOUS FUND.

For contingent expenses governor's office. . . . . \$2,000 00

For postage, express, printing, blanks, publication of quarterly reports, and incidental expenses, auditor's office. . . . . 700 00

For postage, express, printing blanks, publication of quarterly reports and incidental expenses, and for commission and exchange, treasurer's office. . . . . 1,000 00

For the territorial library, for the purchase of books 500 00

For the territorial library, for freight, express, postage, stationery and incidental expenses. . . . . 100 00

It being hereby understood that any amount which has

heretofore been appropriated and collected for or during any previous years, for the purchase of books for said library, and which may not have been expended shall still remain in force as an appropriation for said purpose, and the unexpended balance thereof shall be a part of the fund appropriated for such purchase of books, and shall be in addition to the appropriation herein named.

For expenses of the New Mexico Historical Society,	\$ 500 00
For the purchase of relics, New Mexico Historical Society.....	500 00
For printing, postage, freight and incidental expenses of the bureau of immigration.....	2,000 00
For printing reports, postage and contingent expenses, superintendent of public instruction...	1,500 00
One thousand dollars of which shall be paid out of the school land fund.	
For printing tax books, schedules, etc.....	\$1,200 00
For printing poll books, registration books, and other necessary blanks for the election of 1904, and conveying and forwarding election returns to the seat of government, freight and expenses, which shall apply only to the 56th fiscal year.....	1,200 00
For per diem and expenses of sheriffs in conveying prisoners to the penitentiary.....	5,000 00
For printing weather bureau bulletins.....	500 00
For printing in Spanish the laws and journals of the 35th legislative assembly, the same to be delivered to and distributed by the secretary of the territory, and to be paid for upon completion and delivery to the secretary, out of the funds in the hands of the territorial treasurer.....	1,500 00
For translating the laws and journals of the 35th legislative assembly, the same to be done under the direction and control of the secretary of the territory, and to be paid for upon the certificate of the secretary certifying that the said translations have been made under his supervision and control, out of any funds in the hands of the territorial treasurer when such translations are completed; and any money not required of such appropriation for the translation of such laws and journals to remain in the territorial treasury.....	1,000 00
For the capitol custodian committee fund:	
For employees.....	\$3,440 00
Light.....	170 00
Coal.....	900 00

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Maintenance and repairs.....	500 00
Insurance.....	1,590 00
Water.....	900 00

Total.....\$7,500 00

And there is also hereby appropriated for necessary repairs and improvements on the capitol building, to be paid at once, out of any available funds, the sum of four thousand dollars (\$4,000.00); said sum, together with the appropriation above made for the annual expenses of maintaining said capitol, to be paid out under the direction of the capitol custodian committee, upon vouchers rendered by them, and said last-mentioned appropriation of four thousand dollars (\$4,000.00) not to apply to the 56th fiscal year.

For printing reports and other pertinent matters and contingent expenses of the office of the secretary of the territory, including the secretary's report and the printing of abstracts of corporation and similar laws; also, for printing five hundred (500) copies of the Session Laws of 1899 and 1901, in English, bound together in one volume, to be sold at actual cost price.....	\$1,600 00
For Fred Higgins, sheriff of Chaves county, to reimburse him for expenses in the extradition of Frank Vaughn, as per approved account.....	69 00
For Fred Higgins, to reimburse him for amounts paid out for the capture and extradition of Nath Hendricks, as per approved accounts for expenses.....	327 00
For Fred Higgins, to reimburse him for amount paid by him to the sheriff at Carrington, North Dakota, in connection with the arrest and extradition of Nath Hendricks.....	500 00
For contingent expenses of the office of the superintendent of public instruction.....	500 00
For the relief of the citizens of Grant and Luna counties, living on the Mimbres river, on account of damage caused by recent floods, as mentioned in the governor's message, to be paid out of the territorial institutions fund, upon the warrants of the board of three citizens who shall be tax-payers, who shall be appointed by the governor of the territory, and distribution of the amount to be under the direction of said board of three so appointed.....	2,500 00
For mailing laws to the public press of the territory.	50 00



For the relief of the citizens of Silver City, New Mexico, in improving streets and building dams or bridges where the same are necessary for the prevention of future damage by floods such as recently visited said city, the sum of five thousand dollars (\$5,000.00), payable to the order of the mayor of said city of Silver City, out of the territorial institutions fund, and said sum to be expended under the direction of the mayor and city council of Silver City.

For the building of a public wagon road between Las Vegas and Santa Fe, five thousand dollars (\$5,000.00), which said sum shall be payable to the order of the superintendent of the penitentiary.

For the purpose of defraying the expenses of the statehood committees sent to Washington, D. C., by the Republican and Democratic central committees of the Territory of New Mexico, and to be paid to the Bank of Commerce of Albuquerque, New Mexico, to take up certain obligations incurred by certain citizens of the territory for the payment of said expenses, and to be paid out of the territorial institutions fund hereinafter provided for, the sum of three thousand six hundred and eighty-two dollars and twenty-five cents (\$3,682.25):

*Provided*, that the publishers of all reports of the supreme court of the Territory of New Mexico, and of all statutes of this territory, are hereby required hereafter to transmit one copy of each volume thereof to each of the following parties, to-wit: To the attorney general of the United States, Washington, D. C.; to the librarian of each state and territory; to each of the judges of the United States supreme court, and five copies to the librarian of the supreme court of the United States; one copy each to the United States attorney, the solicitor general and each district attorney in this territory; one to each board of county commissioners, and to each probate judge in this territory; also, where any other state or territory will supply the librarian of this territory with two copies or more of the reports and statute laws of such state or territory, the librarian of this territory is authorized and required to supply and transmit to the librarian of such state or territory an equal number of copies of the reports and statute laws of this territory; also, the librarian is hereby authorized and required to transmit copies of the reports and statutes of this territory which have heretofore been published, in like quantity and number as above specified, to such of the parties aforesaid who have not heretofore received the same.

The sheriffs of the various counties of this territory shall only be entitled to draw mileage for one person in charge of prisoners transported to the penitentiary, and they shall only

be entitled to charge the actual expenses for the prisoners so conveyed, and shall be entitled to charge per diem at the rate of five dollars per day for each guard, and the actual cost of transportation: *Provided*, that sheriffs shall not be entitled to more than one guard for two prisoners, and one guard for every additional three prisoners: *Provided, further*, that sheriffs shall convey at one time all prisoners sentenced at the same term of court.

#### DEFICIENCIES.

For the purpose of paying the following deficiencies in the appropriations for the 52nd and 53rd fiscal years, the following appropriations are hereby made, to-wit:

For Deaf and Dumb Asylum at Santa Fe, for maintenance, six months of 1903.....	\$ 800 00
For Jose R. Lucero, sheriff of Doña Ana county, for executing death warrant.....	100 00
For Salome Garcia, sheriff of Union county, for executing death warrant.....	100 00
For A. S. Goodell, sheriff of Grant county, for executing death warrant.....	100 00

For transportation of convicts to the penitentiary, as per approved accounts on file:

To Alfredo Gonzales, sheriff of Lincoln county.....	\$ 873 38
To Alexander Read, sheriff of Rio Arriba county...	153 85
To J. D. Chandler, sheriff of Sierra county.....	168 45
To Cipriano Baca, sheriff of Luna county.....	184 50
To C. F. Blackington, sheriff of Socorro county.....	290 25
To Cleofes Romero, sheriff of San Miguel county...	59 65
To Teodoro Roybal, sheriff of Mora county.....	74 70
To Salome Garcia, sheriff of Union county.....	172 80
To Robert B. Campbell, sheriff of Colfax county....	155 70
To Marcelino Garcia, sheriff of Santa Fe county....	7 25
To T. S. Hubbell, sheriff of Bernalillo county.....	88 90
To B. L. Romero, sheriff of Guadalupe county.....	150 15
To Jose R. Lucero, sheriff of Doña Ana county.....	244 25
To Leonardo Martinez, for court allowance No. 486	10 80
To Louis Ilfeld, salary as penitentiary commissioner	109 73
To J. T. McLaughlin, salary as penitentiary commissioner.....	50 00
To C. F. Blackington, executing requisition papers	46 35
To W. E. Martin, executing requisition papers.....	117 25
To Juan J. Ortiz, Clara H. Olsen and Maggie Geimer, for transcribing election returns for statehood committee, for years 1898, 1900 and 1902.....	86 10

For transportation of convicts to the penitentiary, as per approved accounts on file:

To M. C. Stewart, sheriff of Eddy county.....	\$ 315 45
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To Fred Higgins, sheriff of Chaves county.....	381 50
To Fred Hunter, sheriff of Otero county.....	226 00
To Alfredo Gonzales, sheriff of Lincoln county.....	185 53
To James D. Hughes, public printer, for balance due for printing laws and journals of the 34th legis- lative assembly.....	655 00
And for balance due for printing tax rolls for 1902..	36 75
To Fred Hunter, sheriff of Otero county, for serving requisition papers.....	122 05
To Robert B. Campbell, sheriff of Colfax county, for serving requisition papers.....	196 50
For expenses of members of board of education attending meetings:	
To C. M. Light.....	\$ 35 25
To W. G. Tight.....	10 70
To M. E. Hickey.....	7 70
To Maggie J. Bucher.....	11 55
To J. Francisco Chaves, for expense clerical service, assistance, expert work on annual report and other expenses connected with office superin- tendent public instruction.....	2,283 40
For wild animal bounties.....	286 00
To J. D. Hughes, public printer, for tax assessment rolls and blanks, 1901 and 1902.....	371 23

*Provided, further*, that hereafter it shall be the duty of the different boards of election canvassers to cause the election returns to be sent to the seat of government to be forwarded by some express company, and upon delivery of said returns to said express company they shall take a receipt thereof and immediately forward said receipt by registered mail to the secretary of the territory: *Provided, further*, that whenever the county seat of any county from where the returns are to be forwarded, have no express company, then, and in no other case, the said boards of election canvassers shall designate one of their number a special messenger to convey said returns to the nearest express office, to be forwarded as above provided, and take a receipt therefor; and said messenger shall be allowed for his services twelve and one-half (12.5) cents per mile, for conveying said returns, for each and every mile actually and necessarily traveled from the county seat to such express office.

#### MILITIA FUND.

For the support of the National Guard, including transportation of arms, clothing and fuel, sta- tionery, etc.....	\$ 500 00
For rent and maintenance of armories.....	750 00
Sec. 9. That section 4021 of the Compiled Laws of 1897 be	

and the same is hereby amended by striking out the words "three and one-half" in the fifth line of said section 4021, and inserting the word "five" in lieu thereof. And hereafter the boards of county commissioners of the various counties of the territory shall be authorized to levy an annual tax of not to exceed five (5) mills on the dollar upon the assessed value of all taxable property in their several counties, for current expenses.

Sec. 10. That section 1537 of the Compiled Laws of 1897 be and the same is hereby amended so as to read as follows: "That the territorial auditor shall annually, on or before the first day of May of each year, levy a tax of two (2) mills on the dollar upon all taxable property in the territory, and certify the same to the county collectors of the several counties, who shall collect the same as the other taxes are collected. The money thus received shall not be spent for any other purpose than for paying the expense of collection, which shall not exceed four per cent. of the sum thus collected, and for paying the expenses of printing necessary forms of blank reports, school laws, the salaries of the county superintendents of public instruction, the expense of their offices and paying school teachers. And when said taxes are collected, the same shall be paid by the county collectors of the various counties of the territory into the treasuries of the counties to the credit of the general school fund of each county."

Sec. 11. Hereafter the several boards of county commissioners are hereby authorized to cause to be levied and collected, annually, a special tax of not exceeding two (2) mills on the dollar for the purpose of making needed repairs on the county court houses and county jails. The product of such levy, when collected, shall be kept separate and apart by the county treasurer, in the fund to be known and called the "Court House Repair Fund," which shall not be used for any other purpose than that above provided. That the levy made by the territorial sheep sanitary board for any year shall not exceed one cent on the dollar of the assessed values of sheep.

Sec. 12. Whenever for any reason any legislative assembly of the Territory of New Mexico shall fail to pass a bill providing funds and making appropriations for the next ensuing two fiscal years, then and in that event the last previous revenue law or appropriation bill which has become a law shall continue in full force and effect, and the levies made and appropriations provided shall be the same for the successive fiscal years thereafter, except cash appropriations, with the same force and effect as if the same had been specifically re-enacted. It being the true intent and meaning of

this section that the annual interest charges and expenses of conducting territorial government and its institutions shall in no event fail by reason of any failure of a specific bill for that purpose to become a law.

Sec. 13. There is hereby established a fund, to be known as the "Temporary Provisional Indebtedness Fund," out of which said fund the cash appropriations for territorial institutions, and all other purposes, including deficiencies, which are made in this act to be paid immediately, shall be paid; and the territorial treasurer is hereby ordered and directed to transfer to such fund, for the payment of such appropriations, all the funds now in the territorial treasury or in the territorial depositories to the credit of the capitol building bond fund, the provisional indebtedness bond fund and the Louisiana Purchase Exposition fund, together with all the sums to come into his hands up to July first, 1903, by virtue of levies heretofore ordered to be made for such above enumerated funds; and no further or other levy shall be made during the year 1903, or thereafter, for the said Louisiana Purchase Exposition fund. And chapter 100 of the session laws of 1901, being an act providing for the collection, arrangement and display of the products of the Territory of New Mexico at the Louisiana Purchase Exposition, or St. Louis World's Fair of 1903, and to make an appropriation therefor, approved March 21, 1901, is hereby repealed, in all of its parts and provisions. And the territorial board of Louisiana Purchase Exposition managers of New Mexico, created and provided for by said chapter 100 of the Session Laws of 1901, shall, within thirty days after the passage of this act, or as soon thereafter as possible, meet and close up all the business of said commission, and turn over to the territorial treasurer all funds remaining in their hands, which said funds shall be by said territorial treasurer placed to the credit of said temporary provisional indebtedness fund: *Provided*, that after the payment of said cash appropriations including deficiencies, etc., out of said temporary provisional indebtedness fund, the balance on hand therein or to be paid into the same out of the sale of institutional lands for the repayment of loans as hereinbefore provided, shall be by the treasurer turned back into the capitol building bond fund and the provisional indebtedness bond fund in the proportion which said funds bear to each other at the time of the passage of this act.

Sec. 14. This act shall be in full force and effect from and after its passage.

## CHAPTER 109.

AN ACT ENTITLED AN ACT TO PERMIT MERCANTILE COMPANIES AND ASSOCIATIONS TO DO BANKING IN CITIES AND TOWNS OF LESS THAN FIFTEEN HUNDRED INHABITANTS.  
*H. B. No. 114: Approved March 19, 1903.*

## CONTENTS.

- Sec. 1. Mercantile companies may transact banking business. Capital stock. Amount to be paid in. Report to secretary of the territory and probate clerk.
- Sec. 2. Any such corporation or association now existing may transact banking business. Requirements
- Sec. 3. Reserve fund to be kept on hand.
- Sec. 4. Banking accounts to be kept separate from mercantile accounts.
- Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That hereafter any number of persons, not less than three, may associate to establish mercantile companies and companies for trade and business, which corporation or association may in addition to the things now allowed by the laws of this territory transact a general banking business, upon the terms and conditions and subject to the liabilities now prescribed by the laws of this territory, relating to corporations and associations in towns and cities, having a population according to the last United States census, of less than fifteen hundred inhabitants, and the aggregate amount of the capital stock of such corporation or association shall not be less than thirty thousand dollars (\$30,000.00).

Any such corporation or association organized under the provisions of this act shall transact no banking business until not less than twenty thousand dollars (\$20,000.00) of its capital stock shall have been paid into the treasury of such corporation or association, and until a certificate to that effect, under the oath of its president and treasurer, stating such fact shall have been filed in the office of the secretary of the territory, and in the office of the probate clerk in the county where such corporation or association is located, nor shall such banking business be continued beyond the period of one year, unless the capital stock of such corporation or association shall have been fully paid up and a certificate stating such fact under the oath of the president and treasurer of such corporation or association shall be filed in the office of the secretary of the territory and in the office of the probate clerk aforesaid.

Sec. 2. Any such corporation or association now existing and established under the laws of the Territory of New Mexico in any city or town having a population of less than

fifteen hundred inhabitants, according to the last United States census, may avail themselves of the benefits of this law when their capital stock shall have been paid in, in accordance with this act and a certificate duly filed with the secretary of the territory as hereinbefore provided, by complying with the provisions of the general incorporation law for increasing or diminishing the capital stock of corporations as provided in section 431 of the Compiled Laws of 1897, and to amend its articles of incorporation to include the provisions of this law as provided in section 432 of the Compiled Laws of 1897: *Provided*, that its said capital stock shall in no case be less than thirty thousand dollars (\$30,000.00).

Sec. 3. Any corporation organized and existing under this act shall not be deemed to have an indebtedness exceeding its capital stock, as provided in section 429 of the Compiled Laws of 1897, by reason of any deposits that it may have in its banking department when it shall have on hand in cash and cash exchange a reserve fund of not less than twenty-five per cent. of its deposits.

Sec. 4. Any corporation or association organized and existing under the provisions of this act and doing a banking business shall keep accounts of such banking business separate and apart from its regular mercantile business, so that at all times its books show the exact standing or condition of the banking department of such corporation or association.

Sec. 5. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its passage.

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## CHAPTER 110.

AN ACT TO PERMIT AND AUTHORIZE A LEVY OF ONE AND ONE-HALF (1.5) MILLS FOR ROAD FUND PURPOSES. *H. B. No. 165; Approved March 19, 1903.*

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### CONTENTS.

Sec. 1. County commissioners may levy a special tax to create road fund.

Sec. 2. Special tax levy. Manner of making and collection. Purpose for which "road fund" created.

Sec. 3. Proceeds to be paid out on warrant of county commissioners.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That hereafter in any county in this territory where one hundred legal voters and regular legal tax payers of any county shall petition in writing the board of county

commissioners of any county at the regular meeting of the board of county commissioners when the regular tax levy is to be made for the various purposes of taxation in such county, demanding that a special levy be made in such county by such board of county commissioners for the purpose of creating a road fund in such county for the purpose of improving and repairing roads, purchasing supplies, lumber and material for bridges, culverts, and other improvements upon the roads and highways in such county and for the further purpose of paying the salaries and expenses of road overseers and supervisors in such county. The board of county commissioners of such county to which such petition is regularly presented may in the discretion of said board of county commissioners order a special levy of taxes in said county to be made and collected the same as other levies are made and collected in such counties of not to exceed one and one-half (1.5) mills upon the assessed valuation of such county as in their discretion they may deem proper for a county fund for road purposes.

Sec. 2. Such levy to be made and collected at the same time and in the same manner as other taxes are levied and collected for general territorial and school purposes, and when such taxes are collected they shall constitute a general road fund in such county to be used and applied by the board of county commissioners for the purpose of creating, improving, and repairing public roads and highways in such county, and for the purpose of furnishing supplies and material for the construction and repair of bridges, and culverts, buying tools, and implements, and defraying the expense and paying for the services of road overseers in their capacity as such.

Sec. 3. The proceeds of such levy constituting such road fund shall be paid out only on the order and warrants of the board of county commissioners regularly issued and such road fund shall be used and expended only for such purposes and in such manner as the board of county commissioners shall in their discretion order and authorize through the road overseers or otherwise.

Sec. 4. This act shall take effect and be in force from and after its passage.



## CHAPTER 111.

AN ACT TO ENABLE TOWNS OR VILLAGES IN THE TERRITORY OF NEW MEXICO TO CHANGE THE CHARACTER OF THEIR MUNICIPAL GOVERNMENT AND FOR OTHER PURPOSES. *H. B. No. 39; Approved March 19, 1903.*

## CONTENTS.

Sec. 1. Procedure by which towns or villages may incorporate as cities.

Sec. 2. Establishment of boundary lines.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Any incorporated town or village in the Territory of New Mexico having a population of two thousand people or more may apply through its board of trustees, to the governor of the territory, to make, issue and publish a proclamation of the fact that such town or village is entitled to and desires to become a city, which said proclamation shall be issued only after a sworn statement, filed with the governor, has been made and executed by the chairman of the board of trustees of such town or village, the assessed valuation of property within the proposed city limits, the corporate name and the boundary lines thereof, and shall be sworn to by the chairman of the board of trustees, and the proclamation of the governor shall contain the facts recited in said statement. Such proclamation shall be conclusive evidence of the facts therein recited, and shall be published in one newspaper of general circulation in the county wherein said town or village is situated, and a certified copy thereof made by the governor shall be posted in a conspicuous place within the limits of said corporation, and an affidavit of such posting shall be made by the party posting such proclamation, and at the end of five days after the posting of such proclamation, the board of trustees of such town or village, shall proceed to organize the same into a city by dividing it into wards of not less than four, and shall call an election for the election of an alderman from each ward and a mayor from the city at large, and upon the election and qualification of such aldermen and mayor, the term of office of the officers of such town or village shall expire, and thereafter such town or village shall be a city with all the powers, privileges, duties and liabilities of cities in the Territory of New Mexico.

Sec. 2. That the boundaries of such city shall not extend to exceed one mile and a half each way from the center of such city and such center shall be established by the board of trustees prior to the application for proclamation, and

there shall accompany such application to the governor a plat showing the boundaries of such proposed city and the center as established. The boundary lines of such city need not correspond with the boundary lines of the town or village, but the territorial limits of such town or village may be extended or contracted, as such board of trustees may desire, and as they may show in their statement and application to the governor for the proclamation to change such town or village to a city, and after the issue, publication and posting of such proclamation, the boundary lines therein as stated to be the boundary lines of such city shall be the boundary lines thereof, and all the territory included therein shall constitute and be known as the city designated in such proclamation and be governed as such by the officers thereof under the laws applicable thereto.

Sec. 3. This act shall take effect and be in force thirty days from and after its passage.

## CHAPTER 112.

AN ACT TO AMEND SECTIONS 1, 2, 5, 9 AND 11 OF CHAPTER 66 OF THE LAWS OF NEW MEXICO OF 1899. *H. B. No. 33; Approved March 19, 1903.*

### CONTENTS.

- Sec. 1. Section 1, chapter 66, Laws of 1899, regarding the appointment by the district judge of jury commissioners, Amended.
- Sec. 2. Section 2, chapter 66, Laws of 1899, regarding selection of grand and petit jurors, Amended.
- Sec. 3. Section 5, chapter 66, Laws of 1899, regarding opening of envelopes containing names of jurors, and issuance of venires, Amended.
- Sec. 4. Section 9, chapter 66, Laws of 1899, regarding appointment of jurors to supply non-attendance or disqualification, Amended.
- Sec. 5. Section 11, chapter 66, Laws of 1899, regarding qualifications of grand and petit jurors, Amended.
- Sec. 6. Act to take effect July first, 1903. Proviso.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Section 1 of chapter 66 is hereby amended to read as follows: "It shall be the duty of the judges of the district court in each district in this territory at every regular term that shall be holden in any county in this territory to appoint in open court three persons of honor and respectability, who shall have the qualifications of jurors, to constitute a commission to select the grand and petit jurors to serve at the next regular term of court in said county. Every person appointed as such commissioner shall, before proceeding

to the discharge of his duties, take an oath that he will faithfully and impartially discharge his duties as such commissioner and that he will keep secret the names of all persons selected as grand and petit jurors. Every such commissioner shall be disqualified to select jurors for two successive terms of court."

Sec. 2. Section 2 of said chapter 66 is hereby amended to read as follows: "It shall be the duty of such commissioners, not less than twenty days nor more than thirty days preceding the term of the court for which it shall be their duty to select grand and petit jurors as herein provided, to meet and to retire to some convenient place and there to select seventeen qualified persons to constitute a grand jury and twenty-four qualified persons to constitute a petit jury, for the next succeeding term of court in said county. Every such person shall be disqualified to serve at two successive terms of court. The names of the jurors selected by such commissioners shall be retained in separate lists as follows: The names of the persons so selected for grand jurors shall be put into a written list which shall be certified to and signed by said jury commission and sealed up securely in an envelope and delivered by them to the clerk of the district court for the district in which their selection was made, who shall write across the place of sealing the words "grand jurors," and shall sign his name thereto, and the same procedure shall be had with the list of persons so selected for petit jurors. And the same shall be filed in the office of the clerk of the court for which said juries are selected and be by said clerk safely kept until the same shall be opened as hereinafter provided."

Sec. 3. Section 5 of said chapter 66 is hereby amended to read as follows: "That the envelopes containing the names of the grand and petit jurors for the territory shall be by said clerk twenty days, and the envelopes containing the names of the grand and petit jurors for the United States shall be by said clerk immediately after they are sealed, before said term of court for which such jurors have been drawn and selected, opened in the presence of the sheriff or deputy sheriff of the county where opened and in the presence of any citizens who may wish to be present, and in case the twentieth day before the first day of the term of court shall fall on Sunday then the next Monday after said Sunday. The envelopes containing the names of the jurors shall be opened and forthwith the clerk shall issue summons in the form of venire to the sheriff of the county for the territorial jurors, and to the United States marshal for the United States jurors, returnable on such day of the term of court for which such jurors have been drawn and selected, as the judge thereof

may direct and all of the names of the grand jurors for such term shall be included in one list and summons, and all the names of the petit jurors shall be included in another."

Sec. 4. Section 9 of said chapter 66 is hereby amended to read as follows: "Where, by reason of non-attendance or disqualification of jurors, or for any cause whatever the panel of grand or petit juries shall be incomplete, in such case the judge shall appoint one person qualified under this act, who shall act with the judge of the court as a commission to draw and select a list of qualified persons for grand and petit jurors to complete the panels for the term, and the clerk shall forthwith issue summons for the persons so named, directed to the proper officer, which summons shall be served without delay. When the panels are thus filled they shall constitute the regular panels for that term of court. In case the panels or either of them shall thereafter become incomplete from any cause, or in case of talesman or special venire, for such purpose persons shall be selected as provided by the common law, or by special commissioner, at the discretion of the court."

Sec. 5. Section 11 of said chapter 66 is hereby amended to read as follows: "Every male citizen of the United States who is qualified to vote at public elections under the laws of this territory shall be qualified to serve as grand or petit jurors in any of the courts of this territory, excepting however the following class of persons who shall be disqualified to serve as grand or petit jurors in any of the courts of the territory: Such persons as may have been convicted of any infamous crime, all persons who are living in a state of bigamy or polygamy, professional gamblers, that is, such persons as are actually engaged in gambling as a regular occupation and who are not otherwise engaged, habitual drunkards or persons who are addicted to the excessive use of intoxicating liquors as a beverage and attorneys at law. All persons over the age of sixty years shall be excused by the court from serving as jurors, if they so request: Such persons may be excused by the court if in its judgment they are physically disqualified."

Sec. 6. This act shall take effect and be in force from and after the first day of July, 1903: *Provided, however*, that any jurors called pursuant to said chapter 66 prior to the first day of July, 1903, shall serve for the balance of the term for which they were selected.

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CHAPTER 113.

AN ACT ENTITLED "AN ACT AMENDING SECTION 5 OF CHAPTER 84 OF THE SESSION LAWS OF 1901, RELATING TO THE LOCATION AND KEEPING OF BAWDY HOUSES IN CITIES AND VILLAGES IN THIS TERRITORY." *H. B. No. 179; Approved March 19, 1903.*

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CONTENTS.

Sec. 1. Section 5, chapter 84, Laws of 1901, regarding duties of officers to prosecute violations. Amended.

Sec. 2. Section 2, chapter 9, Laws of 1903, regarding mayors of cities and other officers. Amended.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Section 5 of chapter 84 of the Session Laws of 1901, be and the same is hereby amended by adding at the end of said section the following, to-wit: "And it is hereby made the duty of the district attorney of the county wherein any of the specified violations are committed to investigate as to any violations of this act and to at once file an information before the judge of the district court of such county or any justice of the peace in such county against any and all persons committing any of the offenses herein specified and to prosecute diligently all persons so offending. And any district attorney failing or neglecting to comply with the provisions of this act shall be summarily removed by the governor who shall appoint his successor."

Sec. 2. That section 2 of an act entitled "An Act in relation to mayors and other officers," being Council Substitute for Council Bill No. 44, approved February 28, 1903, be and the same is hereby amended by adding at the end of said section as follows: "*Provided*, that the provisions of this section shall not apply or in any way affect the City of Socorro, New Mexico."

Sec. 3. This act shall be in full force and effect from and after its passage, and all acts and parts of acts in conflict herewith are hereby repealed.

## CHAPTER 114.

AN ACT RELATING TO CORPORATIONS, DOMESTIC AND FOREIGN, PRESCRIBING FEES TO BE PAID FOR FILING THEIR ARTICLES, AND FOR OTHER PURPOSES. *H. B. No. 170; Approved March 19, 1903.*

## CONTENTS.

- Sec. 1. Corporations to file certificate of incorporation. Fees per classified list.  
Sec. 2. Incorporation papers to be filed with county recorder. Misdemeanor for any recorder to file incorporation papers not certified by secretary of territory.  
Sec. 3. Application of fees collected by secretary of territory.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Every corporation, joint-stock company or association incorporated or consolidated by or under any general or special law of this territory, or by or under any general or special law of any foreign state or kingdom, or of any state or territory of the United States beyond the limits of this territory, shall, before doing business in this territory, file in the office of the secretary of this territory the certificate of incorporation, articles of association or charter as required by law and at the time of such filing shall pay to the secretary of the territory the following fees:

For railroad or other corporations formed for pecuniary profit, ten cents for each and every thousand dollars of capitalization, and a like fee upon each subsequent increase of capital, but in no case less than twenty-five dollars (\$25.00);

For filing any certificate of amendment to articles of incorporation other than one increasing capital stock, or any translated copy of articles or amendments, ten dollars (\$10.00);

For filing any certificate of business and agent, when required by law, five dollars (\$5.00);

For corporations organized for benevolent, charitable, educational, religious and scientific purposes, having no capital stock, one dollar (\$1.00); For filing any certificate of amendment to such articles of incorporation, one dollar (\$1.00);

For filing any certificate, instrument or document other than those specified above, one dollar (\$1.00);

Sec. 2. Every corporation, domestic or foreign, shall file with the recorder of deeds of the county in which its principal place of business in this territory is located, a copy of its articles of incorporation, of every amendment thereto and likewise any certificate designating agent and place of business in this territory, certified from the office of the secretary of the territory; and it shall be a misdemeanor for any

recorder to file or record in his office any incorporation papers or copies thereof not previously certified by the secretary of the territory.

Sec. 3. Whenever the fees collected under the provisions of this act shall be in excess of the sum of five dollars (\$5.00) for each separate filing, such excess shall be held by the secretary of the territory for the use of the territory, and shall be paid over to the territorial treasurer at the end of each quarter, beginning June 30, 1903.

Sec. 4. All acts and parts of acts in conflict with this act are hereby repealed, and this act shall be in force and effect from and after April 1, 1903.

## CHAPTER 115.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT RELATING TO TRUST COMPANIES." *C. B. No. 131; Approved March 19, 1903.*

### CONTENTS.

Sec. 1. Section 17, chapter 52, Laws of 1903, regarding term of office of boards of directors of trust companies. Amended.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Section 17 of an act entitled "An Act relating to trust companies," approved on the 12th day of March, A. D., 1903, be and the same is hereby amended by the enactment of the following: The directors of such corporation shall be elected for one year, unless the number thereof exceeds five, and in that case the articles of incorporation may divide them into classes as now provided by said section 17 of said act. But if the articles of incorporation do not so provide, all directors shall be elected for one year.

Sec. 2. This act shall be in force and effect from and after the date of its passage, and all acts and parts of acts in conflict therewith are hereby repealed.

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CHAPTER 116.

AN ACT PROVIDING FOR SPRINKLING OF STREETS IN CITIES AND ASSESSING THE EXPENSE THEREOF AGAINST THE OWNERS OF PROPERTY ABUTTING UPON SAID STREETS. *C. B. No. 92; Approved March 19, 1903.*

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CONTENTS.

Sec. 1. City councils may assess cost of sprinkling streets against abutting property.

Sec. 2. Amount assessed to be a lien on property.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That whenever the city council of any city in the Territory of New Mexico shall determine that the streets within its limits, or certain streets, or parts of streets, shall be watered in whole or in part at the expense of the owners of property abutting on such streets or parts thereof, such city council shall estimate and determine the expense of watering such streets or portions of streets, and the proportion of such expense to be borne by such owners of abutting property, and the rate to be assessed against each lineal foot of frontage of such abutting property, and thereupon shall proceed to assess, and shall assess, against each lot or parcel of land so abutting upon such street or portion thereof its proportionate share of such expense according to its frontage.

Sec. 2. That the amount so assessed against each of such lots and parcels of land so abutting upon such street or part thereof, shall constitute and be a lien upon the same, and such amount shall be collected and such lien enforced in the same manner and by the same proceeding as provided by law for the enforcement of liens issued for other classes of street improvement.

Sec. 3. All acts and parts of acts in conflict herewith are hereby repealed and this act shall be in full force and effect from and after its passage.

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CHAPTER 117.

AN ACT TO PREVENT INDECENT EXPOSURE. *C. B. No. 135; Approved March 19, 1903.*

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CONTENTS.

Sec. 1. Indecent exposure of person. Penalty.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That any person who shall hereafter indecently



expose his person in or upon the streets or other public places in any unincorporated village, town or city in this territory shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), or by imprisonment in the county jail not less than ten days nor more than thirty days, or by both such fine and imprisonment in the discretion of the court trying the same.

Sec. 2. This act shall be in effect from and after its passage.

## CHAPTER 118.

AN ACT PROVIDING FOR THE COLLECTION, ARRANGEMENT AND DISPLAY OF THE PRODUCTS OF THE TERRITORY OF NEW MEXICO AT THE LOUISIANA PURCHASE EXPOSITION OR ST. LOUIS WORLD'S FAIR OF 1904, AND TO MAKE AN APPROPRIATION THEREFOR. *H. B. No. 192; Approved March 19, 1903.*

### CONTENTS.

- Sec. 1. Territorial Board of Louisiana Purchase Exposition Managers of New Mexico created. Appointment.
- Sec. 2. Organization. Rules and regulations. Vacancies.
- Sec. 3. Compensation of members of board. Proviso.
- Secs. 4, 5, 6 and 9. Duties of board.
- Sec. 7. Appropriation.
- Sec. 8. Tax levy to be made by auditor. Treasurer authorized to make loans.
- Sec. 10. Sub-commission. County commissioners may make appropriation. Proviso.
- Sec. 11. Chapter 100, Laws of 1901, regarding Louisiana Purchase Exposition. Repealed. Funds raised under provisions of chapter 100, Laws of 1901, made available.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That for the purpose of exhibiting the resources, products and general development of the Territory of New Mexico at the Louisiana Purchase Exposition or St. Louis World's Fair to take place within or near the City of St. Louis, in the State of Missouri in 1904, a commission is hereby created to be called the Territorial Board of the Louisiana Purchase Exposition Managers of New Mexico to be organized and continue its duties as hereinafter provided, said commission to consist of seven members residents of said Territory of New Mexico. The members of said territorial board shall be appointed by the governor of New Mexico within sixty days after the passage of this act.

Sec. 2. Said members shall meet within thirty days after

their appointment, and organize by the election of a president, a vice-president, a secretary and a treasurer, who shall act as aforesaid and in the absence of the president the vice-president of said board shall be the presiding officer thereof. Five members of said board constitute a quorum for the transaction of business. The said board shall have power to make rules, and regulations for its own government, and to do such other things as may be necessary and proper for carrying out these provisions of this act. Any member of said board may be removed, at any time, by the governor, for cause, and any vacancy which may occur in the membership of the board shall be filled by appointment by the governor.

Sec. 3. The members of the board created by virtue of this act shall be entitled to their actual expenses for transportation, and the sum of three dollars (\$3.00) per day for subsistence for each day necessarily absent from their homes on business of said board, but no member of said board shall receive any further compensation from said territory: *Provided*, that no member of said board shall receive any compensation for any time that he is not actually engaged in attending to the meetings or the work as prescribed in this act as being the duty of said board.

Sec. 4. The said board shall have charge of the collection and preparation of the exhibits of New Mexico for said exposition or St. Louis World's Fair and it shall communicate with the officers thereof and obtain and disseminate through New Mexico all necessary information regarding said exposition in due and ample time for the proper exhibit of said resources and products of New Mexico at said exposition.

Sec. 5. The members of said board shall have and exercise full authority in relation to the participation, the displaying and the arrangement of the exhibits of New Mexico, and the reception of its citizens, at the said Louisiana Purchase Exposition of 1904, but shall incur no expense to the Territory of New Mexico in said reception of its citizens.

Sec. 6. The said board shall make a report of its proceedings and expenditures from time to time to the governor and at any time upon written request; and such reports shall be transmitted by him to the legislative assembly of the Territory of New Mexico of 1905, together with such suggestions as he may deem important for future like exhibitions.

Sec. 7. To carry out the provisions of this act the sum of thirty thousand dollars (\$30,000.00) or so much thereof as may be necessary, is hereby appropriated, from taxes to be levied and collected for said purpose, as hereinafter provided, and the territorial treasurer is hereby directed to pay the same, from the fund to be created out of said taxes to be levied and

collected as aforesaid, on requisition of said board, signed by the president and secretary thereof, and approved by the governor, and accompanied by estimates of the expenses for the payment of which the money so drawn is to be applied.

Sec. 8. Said funds shall be called the Louisiana Purchase Exposition Fund and for the purpose of creating and establishing said fund as specified in section 7 of this act, the auditor of the territory shall cause to be levied upon all the taxable property in the territory during the 55th and 56th fiscal years, the tax of three-fifths of one mill to be certified by him each of said fiscal years to the various county commissioners as all of the territorial taxes are levied and certified, and to be collected in the same manner as other territorial taxes, the territorial treasurer is hereby authorized to make loans as now prescribed by law for other loans to the amount as authorized herein for the purpose of making this fund at once available.

Sec. 9. The said board shall make a detailed report of all its duties under this act together with all moneys expended thereunder to the governor by the fifteenth day of January, 1905, showing in detail all work done and expenditures made up to that date; and the said board shall not exist longer than March first, 1905; before February fifteenth, 1905, said board shall make a full detailed and itemized final report of all its doings and the results of its doings under this act, and of all moneys expended thereunder, which shall not in any event exceed said appropriation of thirty thousand dollars (\$30,000.00), and said board shall in no event incur any indebtedness which, together with the amount expended, shall exceed said sum of thirty thousand dollars (\$30,000.00). Copies of said reports, together with all receipts, vouchers, documents, books and records of the said board shall be filed in the office of the auditor of the territory.

Sec. 10. The said board may appoint a sub-commission of three members from the several counties of the territory which said sub-commission shall aid toward the exhibits from the Territory of New Mexico: *Provided*, that said sub-commission receive no recompense for said services. The boards of county commissioners of the several counties of the territory are hereby empowered to appropriate such sums of money as they may deem proper to assist said board or commissioners in collecting and preparing the products of such counties for exhibition at the said exposition: *Provided*, that the entire exhibit of the Territory of New Mexico including the separate exhibits of any county of the territory shall be directly under the management of the territorial commission.

Sec. 11. Chapter 100 of the Session Laws of the Territory of New Mexico of the year 1901, approved March 21, 1901, be and the same is hereby repealed. All funds now in the territorial treasury and which have been appropriated by the legislative assembly or raised by means of the provisions of the said act approved 1901, be and the same are hereby made immediately available to carry into effect the object and purposes of this act; it being hereby expressly understood and provided that a sum equivalent to the amount so made available shall be reimbursed to the treasury of the territory from the amounts produced by the levies authorized to be made by the provisions of this act.

Sec. 12. This act shall be in force and effect from and after its passage.

## CHAPTER 119.

AN ACT TO HARMONIZE AND STRENGTHEN THE EXISTING SCHOOL LAWS, AND FOR OTHER PURPOSES. *S. for C. B. No. 89; Approved March 19, 1903.*

### CONTENTS.

- Sec. 1. School year.
- Sec. 2. Section 11, chapter 80, Laws of 1899, regarding posting of notice of election by school directors, Amended.
- Sec. 3. Granting of third class certificates. Proviso.
- Sec. 4. Two counties may unite to hold institute. Expense.
- Sec. 5. Section 1613, Compiled Laws of 1897, regarding defraying of expenses of county institutes, Amended.
- Sec. 6. Section 5, chapter 3, Laws of 1901, regarding protection of minors and pupils in school and penalties, Amended.
- Sec. 7. Boards of school directors. To let contracts. Clerk of board to report to county superintendent, cost of material and labor. School officials prohibited from being party to contract.
- Sec. 8. Clerks in rural districts, principals or superintendents of town or city schools to make full report to county superintendent. Contents of report.
- Sec. 9. School directors to furnish itemized accounts with all vouchers.
- Sec. 10. Section 1535, Compiled Laws of 1897, regarding duties of school directors, Amended.  
Section 2, chapter 27, Laws of 1901, regarding teachers' certificates, Amended.
- Sec. 11. County superintendent. When to be at county seat. To examine books of school directors. Meeting of directors.
- Sec. 12. County superintendent may reject warrants illegally issued by school directors.
- Sec. 13. School directors failing to make complete census. Penalty.
- Sec. 14. Report of county superintendent to superintendent of public instruction. Failure to report. Penalty. Failure of teachers or principals to report. Penalty.
- Sec. 15. Apportionment of school funds. County superintendent to report to probate clerk.
- Sec. 16. District superintendents. Term of office. Duties.

Sec. 17. Third paragraph, section 1548, Compiled Laws of 1897, regarding distribution of fines, Amended.

Sec. 18. Officials of higher educational institutions. Report to be made. Contents.

Sec. 19. Last paragraph, section 1548, Compiled Laws of 1897, regarding county treasurers notifying county superintendents of funds, Amended.

Sec. 20. Legal holidays defined. Proviso.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Hereafter the school year governing all public schools in any district, independent district, incorporated town or city in this territory, shall commence on the first day of September and end on the last day of August of each year.

Sec. 2. Section 1532, Compiled Laws of 1897, as amended by section 11, of chapter 80, Session Acts of 1899, is hereby amended by inserting after the words "malfeasance in office" the following: "And shall be disqualified from again holding said office by appointment or otherwise for a period of one year thereafter."

Sec. 3. Third class certificates, entitling the recipient to teach for one year in the county in which granted, may be granted by the county examining boards, and it is hereby made the duty of the members of such boards to prepare the list of questions to be submitted to those applying for third class certificates, and the examination of applicants for said third grade certificates shall occur at the same time and place as examinations are held for the examination of applicants for certificates of the first and second grades: *Provided*, that those seeking third grade certificates may also be examined by said board on the last Saturday in September and October, at the discretion of the county superintendent and at no other time.

Sec. 4. Authority is hereby conferred upon the territorial board of education to authorize any two counties, wherein the conditions are such as to make it expedient to do so, to unite in holding a district county institute at such place as may be mutually agreed upon, but not more than two counties shall participate therein, and when such power is delegated to the county superintendents thereof, the expense of such institute shall be equally divided between two counties participating therein.

Sec. 5. Section 1613, Compiled Laws of 1897, referring to the fees authorized to be collected by county superintendents from persons attending the county normal institutes is hereby amended so as to provide that such fees shall not be less than one dollar (\$1.00) nor more than three dollars (\$3.00).

Sec. 6. Section 5 of chapter 3, Session Laws of 1901, entitled "An Act for the protection of minors and pupils in

schools," is hereby amended by inserting after the word "cause," in the last line a semicolon, and adding the following, viz: "And the moneys accruing from such fines shall be covered into general school fund of the county in which the offense occurs." And it is hereby made the duty of the county superintendent of schools to prosecute before justices of the peace all persons, firms or corporations violating section 4 of this act.

Sec. 7. Boards of school directors when letting a contract of public school buildings, shall require of the contractor, a good and sufficient bond, for the faithful execution of said contract. And the clerks of said boards outside of incorporated cities or towns are required to make the county superintendent from time to time as the superintendent may require an itemized statement under oath of the cost of labor and material used and work done where practicable and apparatus required and used for conducting and furnishing said building, and school directors of the latter class are further required to consult with and solicit the co-operation of county superintendents whenever it becomes necessary to purchase furniture, fixtures, etc., for the district schools and the directors and clerks of all school boards are hereby prohibited from acting as the agent for any person or firm engaged in the selling of school furniture, apparatus, etc., or to receive any commission attending the purchase of such furniture, apparatus, etc., for the use in their respective districts; and all persons identified in an official capacity with the public schools or with the higher educational institutions supported in whole or in part by the public funds of this territory are hereby prohibited from being a party directly or indirectly to any contract for which public money is to be used in connection with the operation or maintenance of such public schools or higher educational institutions.

Sec. 8. The clerks of the several rural districts, principals or superintendents of town or city schools shall, between the first day of June and the first day of July of each year, make a report to the county superintendent in writing, showing in detail the financial condition of the district, the amount of money received and from what source, including receipts from poll taxes, etc., district bonds or special levies, and the manner in which the same has been dispersed during the previous year, amount expended for repairs or improvements of school houses and grounds, whether rented or owned by the district, the value of all school property, amount of bonded indebtedness of district, status of interest fund, amounts paid for rent, fuel, etc., salaries paid teachers for

the preceding year, the number and sex of the school population and amount expended for books for indigent children under section 1555, Compiled laws of 1897, as amended, and failure to properly prepare and forward said reports shall subject such clerk, principals or town or city superintendents to prosecution as provided in section 1535, Compiled Laws of 1897, and it is hereby made the duty of county superintendents to file information against such derelicts.

Sec. 9. School directors serving in districts outside of incorporated towns or cities are hereby required to accompany all vouchers or warrants presented for the signature of the county superintendent with itemized statements of account, and the county superintendent shall withhold his approval of all bills until such statements are provided.

Sec. 10. Section 1535, Compiled Laws of 1897, referring to duties of school directors is hereby amended by striking out the word "for" as used in the top line on page 427 of said Compiled Laws and section 2, chapter 27 second line from bottom of page 56, Session Acts of 1901, referring to teachers' certificates is hereby amended by striking out the words "and lower than ninety per cent."

Sec. 11. The county superintendent is hereby required to be in attendance at the county seat on the first Saturday in the months of August, September and October and November for the transaction of official business. He is hereby empowered to examine from time to time the records and account books of district directors outside of incorporated cities and towns and see to it that the same are properly kept, and it is hereby made obligatory upon all such directors to meet at their accustomed place within the district at least once every thirty days during the school term for the transaction of public business.

Sec. 12. The county superintendent shall investigate the legality of all accounts as to whether the same have been legally incurred and allowed, before the fixing of his signature thereto, and he may reject any warrant issued by district school directors whenever he may deem such warrant to have been illegally issued.

Sec. 13. County superintendents are hereby empowered to remove from office any school director, in districts outside of incorporated towns and cities, who shall fail or refuse to make and return a complete census of the school population within his district as required by law, and such person so removed shall not be eligible to hold said office for a period of two years thereafter.

Sec. 14. On or before the fifteenth day of August each year the county superintendent shall make out and transmit

to the territorial superintendent, on blanks the form and character of which shall be specified by the territorial superintendent, his annual report, bearing date of August first, containing such vital statistics and general information concerning the public schools as the territorial superintendent may call for, including total amounts received by the several districts and counties on account of the poll tax and fines, and county school superintendents who fail or refuse to properly prepare and file such annual report, within the time specified by law, which report shall be properly footed, complete and consistent in its footings, as required by the superintendent of public instruction, shall be chargeable with gross neglect of official duty, and may be suspended from office by the superintendent of public instruction, and, should the circumstances demand, upon presentation of the facts to the governor, he may be removed from office and his place filled by appointment until the next general election, and any principal or teacher in charge failing to make reports required of them may upon the written complaint of the county superintendent or superintendent of public instruction, filed with the directors of any public school have his salary withheld until he has made such report so required; and, in case the circumstances justify, he shall be removed as teacher by such directors and be disqualified to teach in New Mexico for at least one year thereafter.

Sec. 15. County superintendents shall quarterly, and within ten days after receiving notice that any school funds are at their demand, for apportionment to the several districts, properly make said apportionment and specifying the number of the district, the number of children of school age in each district and the amount of money apportioned thereto, and a copy of this apportionment report shall be filed within ten days thereafter in the office of the probate clerk of the county, and he shall also supply a duplicate copy thereof to any newspaper printed within the county which will give publicity to the same free of charge as a matter of general information.

Sec. 16. District superintendents in districts consisting of incorporated cities or towns, shall be employed for a term of not to exceed two years, and their duties other than now specified by law may be defined by the board of directors of such incorporated city or town.

Sec. 17. That the "third" paragraph in section 1548, Compiled Laws of 1897, be and the same is hereby amended by inserting after the words "violation of the penal laws," the following, viz: "All moneys accruing under the provisions of this section shall on or before the first Monday in January,



April, July and October in each year, be paid into the county treasury by the officer collecting the same, who shall take duplicate receipts therefor, one of which he shall file in the office of the county clerk, and all officers who fail for two consecutive terms to make such payment and file said duplicate receipts with the county clerk, or who shall have failed to make quarterly reports as now required by law, shall be subject to summary removal from office by the board of county commissioners at the next regular meeting thereafter, and shall also be liable to indictment for malfeasance in office and false swearing, and the person so indicted shall upon conviction thereof be ineligible to hold said office for the period of two years thereafter; and judges of the district court are hereby required at each term to give this section of the law in special charge to the grand jury, which body is authorized to especially inquire into and make presentment of offenses committed under this act.

Sec. 18. In addition to the duties now required by law of the governing authorities of the higher educational institutions, they are hereby required to make duplicate copies of reports, under date of June thirtieth of each year, furnished by them to the territorial executive for use in his annual report to the secretary of the interior, and a copy of said report shall be filed in the office of the superintendent of public instruction; such report shall show the date of establishment, general status and progress of such institution during the year; its physical equipment, course of study, number of pupils enrolled and the number enrolled who are not actual bona fide residents of the territory, the number of graduates for the preceding year and the total number of graduates to date, the financial condition, character and value of improvements during the year, value of all property, receipts from all sources, disbursements, and such other information as the superintendent of public instruction may require for incorporation in his annual report to the governor of the territory.

Sec. 19. The concluding paragraph in section 1548, Compiled laws of 1897, is amended to read as follows: "County treasurers shall quarterly, on or before the third Monday in March, June, September and December in each year, notify the county superintendents of schools in their respective counties of all funds coming into their hands for public school purposes during the preceding quarter and the total amount of moneys on hand then available for public school purposes.

Sec. 20. In addition to the legal holidays designated by law, viz: "July fourth, December twenty-fifth, and January first, and all days designated by proclamation of the governor

as fast days or thanksgiving days," February twelfth, (Lincoln's birthday) and February twenty-second, (Washington's birthday), may hereafter be observed by the public schools as legal holidays: *And, provided*, any teacher or teachers in the rural districts and village schools shall have arranged beforehand a program of exercises by the pupils appropriate for the occasion for the preceding day, the directors of such district shall not deduct any moneys from teachers' salary because of their absence from active school duty on such holidays.

Sec. 21. All laws and parts of laws in conflict herewith are hereby repealed, and this act shall be in force and take effect thirty days after its passage.

## CHAPTER 120.

AN ACT TO REGULATE COUNTY INSTITUTES AND FOR OTHER PURPOSES. *H. B. No. 213; Approved March 19, 1903.*

### CONTENTS.

- Sec. 1. Funds set apart by county treasurers for county institutes. Disbursement.  
Sec. 2. Territorial board of education to prescribe course of study. To revoke certificates for incompetency or immorality.  
Sec. 3. Territorial board of education. Mileage. Compensation.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. For the purpose of meeting the expenses of County Institutes county treasurers in counties of the first class shall set apart annually from the general school fund of their respective counties one hundred dollars (\$100.00), and in counties of the second class seventy-five dollars (\$75.00) for such purpose, and in counties of the third class fifty dollars (\$50.00) for such purpose. The money thus set apart and that collected by county superintendents as now provided by law shall be known as the County Institute Fund, and the county treasurer shall be its custodian, but he shall not receive any of it for his services as such custodian. This money shall be disbursed in accordance with the provisions of sections 1615 and 1616 of the Compiled Laws of 1897, except that all orders on this fund issued by county superintendents shall be countersigned by the conductor of such County Institutes.

Sec. 2. The territorial board of education is hereby empowered to issue a course of study for county institutes and to revoke certificates for incompetency or immorality of the holder or for any cause that should have withheld the issue of such certificates.

Sec. 3. The members of the territorial board of education shall receive ten cents per mile for attending each meeting of said board, counting one way from their place of residence to its place of meeting, and two dollars (\$2.00) for each and every day said board is in session. This mileage and per diem shall be paid to the members of said board of education by the territorial treasurer upon the order of the territorial auditor out of the funds arising from the rental of the common school lands of the territory.

Sec. 4. All laws and parts of laws in conflict herewith are hereby repealed and this act shall take effect thirty days after its passage.

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### CHAPTER 121.

AN ACT TO AMEND SECTION 223 OF THE COMPILED LAWS OF 1897. *H. B. No. 216; Approved March 19, 1903.*

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#### CONTENTS.

Sec. 1. Section 223, Compiled Laws of 1897, regarding power of cattle sanitary board to sell cattle. Amended.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. That section 223 of the Compiled Laws of 1897 be and is hereby amended by adding after the word "cattle" in the second line of said section the following words, to-wit: "horses, mules and asses."

Sec. 2. This act shall be in full force and effect from and after its passage.

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### CHAPTER 122.

AN ACT TO SIMPLIFY THE LAWS RELATING TO DEPOSITIONS. *H. B. No. 203; Approved March 19, 1903.*

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#### CONTENTS.

Sec. 1. Section 3041, Compiled Laws of 1897, regarding commission for taking interrogatories. Amended.

Sec. 2. Courts to construe laws liberally.

Sec. 3. Section 3043, Compiled Laws of 1897, regarding duty of officers in taking interrogatories. Amended.

Sec. 4. Section 7, chapter 82, Laws of 1901, regarding taking of depositions on interrogatories. Amended.

Sec. 5. Failure of party, after notice of time and place, to be present at taking of deposition. Objections based on laws of evidence.

**Sec. 6.** Objection to deposition after return to court. To be in writing. Copy to be served on opposite party.

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

**Section 1.** That the first three lines of section 3041 of the Compiled Laws of 1897 are amended so as to read as follows: "The commission shall be addressed on its face and on the envelope conveying the same to any one or more of the following officers, at his or their place of business or residence, the street number whereof shall be stated in the commission and on the said envelope, if known, and if not known the applicant shall make affidavit to that effect personally or by attorney or agent, which affidavit shall be filed with the clerk of the proper court before the commission issues, to-wit:"

**Sec. 2.** That substantial compliance with the laws concerning the commission, and the precedent and subsequent proceedings, relative thereto, liberally to be construed by the courts, is sufficient.

**Sec. 3.** That section 3043 of the Compiled Laws of 1897 is hereby amended by adding at the end thereof the following: "But it shall be a satisfactory compliance herewith if the certificate of the notary public or other officer who took the deposition shows that the witness was sworn as to the truth of his answers either before they were given or at the time that his signature was appended to them."

**Sec. 4.** That section 7 of chapter 82 of the Session Laws of 1901 is hereby amended by the addition thereto of the following: "*Provided*, that the notary public or other officer empowered to take the deposition may adjourn or postpone the taking of the testimony for reasons which appear sufficient to him in furtherance of justice or the production of the evidence, but it shall be at the cost of the party proposing the witness, unless the party giving the notice fails to be present at the time originally set for the taking of the deposition at the place named for the taking, among other proper causes of adjournment or postponement being the absence of the witness. If the cause be the absence of the witness, unless for good reason shown, the officer shall issue a subpoena for him under his hand and official seal, if he have an official seal, and set a new date for the hearing, at the same place as was originally fixed, and if either of the parties interested in the deposition is present at the time when the occasion for the adjournment or postponement arose, the new date shall be made as convenient to them as possible; otherwise the officer shall fix a date in his discretion.

**Sec. 5.** If a party gives notice that he desires to be present at the taking of a deposition, as now provided by law, and

fails to attend, after notice of the time and place, the deposition shall be taken *ex parte*, and when the deposition is offered at the trial it shall be open only to objections based on the laws of evidence.

Sec. 6. When any deposition is returned to the proper office by the officer who took the same, the clerk shall forthwith notify the respective parties interested therein, by writing, that the same has been returned, and within ten days thereafter any party desiring to object to the form thereof, the manner of taking, the return of the execution, or to raise any jurisdictional question affecting the same, shall do so specifically in writing, and serve a copy of the objections on the opposite party, otherwise he will be deemed to have waived the objections which might have been raised in time.

Sec. 7. This act shall be in full force and effect from and after its passage and shall apply to commissions heretofore issued in causes still pending, and all acts and parts of acts in conflict herewith are hereby repealed.

# JOINT RESOLUTIONS.

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## JOINT RESOLUTION 1.

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**EXTENDING VOTE OF THANKS TO SENATORS OF CONGRESS OF THE UNITED STATES WHO HAVE SUPPORTED OMNIBUS STATEHOOD BILL. C. J. R. No. 2; Approved January 22, 1903.**

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*Be it resolved by the Council and House of Representatives of the 35th Legislative Assembly of the Territory of New Mexico:*

That the thanks of the people of the Territory of New Mexico, through the 35th legislative assembly, are hereby extended to all those senators who have by their voices, votes and influence assisted thus far in our request for statehood, as contained in H. R. 12,543, commonly known as the omnibus statehood bill; and we earnestly pray their continued assistance in securing for us our rights as American citizens.

And it is further resolved, that the president of the council and the speaker of the house of representatives be directed to telegraph a copy of this joint resolution to the president pro tem of the senate of the United States, and that the chief clerk of the council be directed to have these resolutions printed and a copy thereof transmitted to each member of the senate of the United States.

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## JOINT RESOLUTION 2.

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**EXTENDING VOTE OF THANKS TO HON. BERNARD S. RODEY. C. J. R. No. 3; Approved January 22, 1903.**

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*Be it resolved by the Legislative Assembly of the Territory of New Mexico:*

That the thanks of the people of the Territory of New Mexico, through their legislative representatives, be and the same are hereby extended to the Honorable Bernard S. Rodey, our delegate in congress, for the energetic, earnest and able services rendered by him before the congress of the United States in advocating the admission of New Mexico into the Union as a state, and that he is hereby assured of

the hearty approval and appreciation of the people of this territory on account thereof.

Resolved, further, that a certified copy of this resolution, signed by the president of the council and the speaker of the house of representatives be forwarded to the Honorable Bernard S. Rodey, and that in addition thereto the same be telegraphed thereby to him.

### JOINT RESOLUTION 3.

PROVIDING FOR THE PAYMENT OF EMPLOYES AND CONTINGENT EXPENSES OF THE LEGISLATURE. C. J. R. No. 6;  
*Passed over Veto, January 30, 1903.*

*Be it resolved by the Council and the House of Representatives of the 35th Legislative Assembly of the Territory of New Mexico:*

That the sum of two thousand four hundred and eighty-five dollars (\$2,485.00) is hereby appropriated to pay the salaries of interpreters, translators and contingent expenses of the council of said legislative assembly; and the additional sum of two thousand three hundred and thirty-nine dollars (\$2,339.00) to pay the salaries of interpreters, translators and contingent expenses of the house of representatives of the legislative assembly.

That upon presentation of this resolution to the auditor of the Territory of New Mexico, the said auditor shall draw his warrants, against the territorial treasurer, in favor of J. Francisco Chaves, president of the council of said legislative assembly, for the sum of two thousand four hundred and eighty-five dollars (\$2,485.00), and in favor of Nestor Montoya, speaker of the house of representatives, for the sum of two thousand three hundred and thirty-nine dollars (\$2,339.00), respectively; and said treasurer hereby is directed and ordered to pay the same out of any funds in the territorial treasury at the time of the presentation of said warrants, at his discretion, except funds in his hands for the payment of interest on the territorial debt.

That the said sums of two thousand four hundred and eighty-five dollars (\$2,485.00) and two thousand three hundred and thirty-nine dollars (\$2,339.00), shall be hereafter paid out as may be directed by said 35th legislative assembly of the Territory of New Mexico.

## JOINT RESOLUTION 4.

TO PROVIDE THE MEMBERS OF THE LEGISLATURE WITH COPIES OF THE COMPILED LAWS OF 1897, AND ALSO WITH COPIES OF ALL LAWS WHICH HAVE BEEN PASSED AFTER THAT DATE. *H. J. R. No. 2; Approved February 11, 1903.*

*Be it resolved by the House of Representatives and Council of the Legislative Assembly of the Territory of New Mexico:*

That the librarian of the territory is hereby ordered and authorized to provide the members of the present legislative assembly who so desire, with copies of the Compiled Laws of 1897 and with the copies of all the laws which have passed after that date, and have become laws, and that said librarian be given credit for same.

## JOINT RESOLUTION 5.

DEFICIENCY APPROPRIATION PROVIDING PAYMENT FOR THE PRINTING AND DISTRIBUTION OF REPORT OF SUPERINTENDENT OF PUBLIC INSTRUCTION FOR THE YEAR 1902. *C. J. R. No. 5; Approved February 11, 1903.*

*Be it resolved by the Council and House of Representatives of the 35th Legislative Assembly: That,*

Whereas, three thousand copies of the report of the superintendent of public instruction were printed and distributed during the past year throughout the territory and the states of the Union, at the earnest request of the board of education of the territory, although there were no funds available to cover the expense of such printing and distribution, but the necessity therefor was so great and important for the educational interests of the territory, that they deemed the expense incurred an absolute necessity to be provided for by this legislative assembly; and,

Whereas, the governor of the territory in his message to this legislative assembly has earnestly recommended that we at once make provision for the payment of the expense connected with such printing and distribution of the report of the superintendent of public instruction:

Now, therefore, be it resolved, that the superintendent of public instruction is hereby directed to present the approved bills for such printing and distribution to the territorial auditor who thereupon is instructed to draw his warrant against any funds in the territorial treasury, except such as are reserved for the payment of interest on the public debt,



in payment of such account in the sum of eleven hundred and sixty-five dollars and fifty cents (\$1,165.50).

### JOINT RESOLUTION 6.

PROVIDING FOR THE PAYMENT OF EMPLOYES AND CONTINGENT EXPENSES OF THE LEGISLATURE. *Conference S. for C. S. for C. J. R. No. 9; Passed over Veto February 13, 1903.*

*Be it resolved by the Council and House of Representatives of the 35th Legislative Assembly of the Territory of New Mexico:*

That the sum of eleven hundred and ninety-five dollars (\$1,195.00) be and the same is hereby appropriated to pay the salaries of interpreters, translators and contingent expenses of the council of said legislative assembly.

And that the sum of two thousand two hundred dollars (\$2,200.00) be and the same is hereby appropriated to pay the salaries of interpreters, translators and contingent expenses of the house of representatives of the 35th legislative assembly of the Territory of New Mexico.

That upon presentation of this resolution to the auditor of the Territory of New Mexico, the said auditor shall draw his warrant against the territorial treasurer in favor of J. Francisco Chaves, president of the council of said legislative assembly, for the sum of eleven hundred and ninety-five dollars (\$1,195.00), and in favor of Nestor Montoya, speaker of the house of representatives of the 35th legislative assembly, for the sum of two thousand two hundred dollars (\$2,200.00); and said treasurer hereby is directed and ordered to pay the same out of any funds in the territorial treasury at the time of the presentation of the said warrant, at his discretion, except funds in his hands for the payment of interest on the territorial debt: *Provided*, that no amount herein appropriated shall be deducted from any funds which will in any way decrease the appropriation allowed the penitentiary; and the territorial treasurer is hereby directed to reimburse the penitentiary fund any amounts that he may have failed to apportion to such penitentiary by reason of any appropriation heretofore or hereafter made.

That the said sums of eleven hundred and ninety-five dollars (\$1,195.00) and two thousand two hundred dollars (\$2,200.00) shall be hereafter paid out as may be directed by the said 35th legislative assembly of the Territory of New Mexico.

## JOINT RESOLUTION 7.

PROVIDING FOR THE PRINTING OF BILLS, RULES, REPORTS, ETC., IN SPANISH. C. S. for C. J. R. No. 4; Approved February 24, 1903.

*Be it resolved by the Council and House of Representatives of the 35th Legislative Assembly of the Territory of New Mexico:*

That there shall be printed in the Spanish language such bills, rules, reports, documents, and all other matter, as may be ordered by this legislative assembly.

That the cost of the printing and all other printing in the Spanish language that shall be ordered by the 35th legislative assembly shall be paid for out of any funds in the hands of the territorial treasurer, except such funds as are for the payment of interest on the territorial debt; and the auditor is hereby instructed to so draw his warrants in payment of such bills as are incurred under this resolution upon completion and delivery of the work and the auditing of the accounts therefor as herein provided.

That the president of the legislative council and the speaker of the house of representatives respectively be and they are hereby directed to appoint a committee to consist of three members of each of their respective bodies, which said committees shall meet and employ and fix the compensation of some suitable person to translate the documents and matters directed and ordered to be translated by joint resolution of the legislative assembly, and also to pass upon and audit the accounts of the printer for all such printing so ordered.

That the cost of translating and printing the aforesaid documents, etc., shall be paid out of any funds directed in the resolution providing for the pay of the same; and the printer is hereby directed to present his bills to the chief clerks of the respective houses of this legislative assembly for the printing of the auditor's and treasurer's reports heretofore printed, and the said printer is further directed to present his bill for the printing of five hundred copies of the report of the territorial secretary to the same parties, who shall transmit said bills to the committees herein provided to be appointed when the same are appointed.

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JOINT RESOLUTION 8.

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WITH REFERENCE TO INSPECTION BY HOUSE COMMITTEE OF THE COLLEGE OF AGRICULTURE AND MECHANIC ARTS AT MESILLA PARK AND THE MILITARY INSTITUTE AT ROSWELL. *H. J. R. No. 9; Approved February 26, 1903.*

Whereas, it is the desire of the faculty, the regents and the friends of the Military Institute at Roswell, and of the College of Agriculture and Mechanic Arts at Mesilla Park, that these meritorious educational institutions be inspected by legislative committees of the 35th legislative assembly; therefore,

Be it resolved that the speaker of this house of representatives be requested to appoint committees to inspect and report upon the conditions of these institutions, these committees to enter upon and discharge their duties at once and report the result of their observations to the honorable house of representatives at their earliest convenience.

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JOINT RESOLUTION 9.

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PROVIDING FOR THE PAYMENT OF EMPLOYES AND CONTINGENT EXPENSES OF THE LEGISLATURE FOR SECOND TWENTY DAYS. *H. J. R. No. 7; Passed over Veto, February 26, 1903.*

*Be it resolved by the House of Representatives and the Council of the 35th Legislative Assembly of the Territory of New Mexico:*

That the sum of forty-six hundred and forty dollars (\$4,640.00) be and the same is hereby appropriated to pay the salaries of interpreters, translators and contingent expense of the house of representatives of the 35th legislative assembly of the Territory of New Mexico.

That the sum of twenty-three hundred and fifty dollars (\$2,350.00) be and the same is hereby appropriated to pay salaries of interpreters, translators and contingent expense of the council of the 35th legislative assembly of the Territory of New Mexico.

That upon presentation of this resolution to the auditor of the Territory of New Mexico, the said auditor shall draw his warrant against the territorial treasurer in favor of Nestor Montoya, speaker of the house of representatives of the 35th legislative assembly for the sum of forty-six hundred and forty dollars (\$4,640.00) and in favor of J. Francisco Chaves, president of the council of said legislative assembly for the

sum of twenty-three hundred and fifty dollars (\$2,350.00), and said treasurer is hereby directed and ordered to pay the same out of any funds in the territorial treasury at the time of the presentation of said warrant, at his discretion, except funds in his hands for the payment of interest on the territorial bonded debt: *Provided*, that no amount herein appropriated shall be deducted from any funds which will in any way decrease the appropriation allowed the penitentiary.

That the said sums of forty-six hundred and forty dollars (\$4,640.00) and twenty-three hundred and fifty dollars (\$2,350.00) shall hereafter be paid out as may be directed by the said 35th legislative assembly of the Territory of New Mexico.

#### JOINT RESOLUTION 10.

TO SECURE PUBLICITY THROUGH THE PUBLIC PRESS OF THE PROCEEDINGS OF THE 35TH LEGISLATIVE ASSEMBLY. C. J. R. No. 7; *Approved February 28, 1903.*

*Be it resolved by the Legislative Assembly of the Territory of New Mexico:*

That the secretary of the Territory of New Mexico be and he hereby is directed to mail to each newspaper printed and published in the Territory of New Mexico a copy of each bill and resolution introduced and printed in either branch of this legislative assembly as speedily as practicable after receiving the same from the public printer, and that the cost thereof be reported by the secretary at the end of the present session of this legislative assembly and an appropriation be made to cover the same.

#### JOINT RESOLUTION 11.

AN ACT AUTHORIZING NECESSARY CORRECTIONS IN THE ENGROSSED AND THE PRINTED COPIES OF BILLS, RESOLUTIONS, ETC. C. J. R. No. 11; *Approved February 28, 1903.*

*Be it enacted by the Legislative Assembly of the Territory of New Mexico:*

Section 1. Hereafter the committee on enrolled and engrossed bills of the branch of the legislative assembly of this territory in which any bill, resolution, etc., shall originate, shall have authority to make such corrections in the enrolled and engrossed copy thereof as shall be necessary to rectify any evident clerical error in the original from which such copy

shall have been made, such corrections to be reported by the committee at the time when the report upon the bill, resolution, etc., is made.

Sec. 2. Hereafter the secretary of the territory shall have authority to make such corrections in the printed copy of the Session Laws of the legislative assembly as shall be necessary to rectify any evident clerical error in the enrolled and engrossed copy from which such printed copy shall have been made or as shall be necessary to secure uniformity in the publication of such laws.

Sec. 3. All acts and parts of acts in conflict herewith are hereby repealed, and this act shall be in full force and effect from and after its passage.

### JOINT RESOLUTION 12.

PROVIDING FOR THE PRINTING OF THE GOVERNOR'S MESSAGE IN BOTH ENGLISH AND SPANISH. *A. C. J. R. No. 1; Approved March 10, 1903.*

*Be it resolved by the Council and the House of Representatives of the 35th Legislative Assembly:*

That one thousand copies in English and one thousand copies in Spanish of the governor's message with all accompanying reports and exhibits be printed for the use of the governor and the two bodies of this legislative assembly. And that the message, without the attached exhibits, shall be included in the printed copies of the journals of the two bodies, when printed. That the territorial auditor shall draw his warrant in payment of the copies printed in Spanish, upon any funds in the hands of the territorial treasurer, except funds in his hands for the payment of interest on the territorial indebtedness, upon completion and delivery of the same; the English copies to be paid for by the United States. That the printing and distribution of such message be under the direction of the secretary of the territory, and that payment therefor be made upon bills audited and approved by him.

### JOINT RESOLUTION 13.

FORMALLY ACCEPTING THE TENDER OF OXFORD UNIVERSITY SCHOLARSHIPS BY THE LATE CECIL JOHN RHODES. *C. J. R. No. 8; Approved March 12, 1903.*

*Resolved: By the Council of the 35th Legislative Assembly, the house concurring, that,*

Whereas: Under the provisions of the will of the late

**Right Honorable Cecil John Rhodes, of South Africa, relating to the establishment of scholarships at Oxford University from the British Colonies and the United States of America, New Mexico is granted two free scholarships in this ancient and honorable institution of learning, and,**

**Whereas: Under the testamentary dispositions of the said will it will soon become necessary to officially select and designate candidates from this territory to enjoy the high privileges which said scholarships confer: Now, therefore, be it,**

**Resolved: That the 35th legislative assembly hereby gratefully accepts, and by this act does formally accept, in the name of the people of New Mexico, such generous bequest with all its attendant provisions as set forth in the said will of the Right Honorable Cecil John Rhodes;**

**Resolved: That we regard with profound admiration that sentiment of universal brotherhood which prompted the tender of such free scholarships, and we deem it a momentous step toward fostering those cordial relations now so happily existing among English-speaking peoples in every part of the world; and be it, therefore, further,**

**Resolved: That the territorial board of education be and hereby is authorized and empowered to assume charge of and arrange all details respecting the examination and selection of candidates from New Mexico for the enjoyment of said free scholarships at Oxford University, subject to the regulations promulgated by the trustees under said will or their legal representative in the United States; and it is hereby made part of the duty of the superintendent of public instruction, secretary of said board, to keep an accurate record, of all such proceedings and report the same annually to the governor of the territory; and be it further,**

**Resolved: That an engrossed copy of this joint resolution signed by the president of the council and the speaker of the house, and duly attested by the chief clerks thereof, be forwarded, through the secretary of the territory, to the Hon. John Hay, Secretary of State, Washington, D. C., with a request that it be presented, through the courtesy of the United States embassy at London, to said trustees, and that a copy, similarly signed and attested, be forwarded to Hon. Geo. R. Parkyn, of Toronto, Canada, legal representative of said trustees for the United States.**

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JOINT RESOLUTION 14.

PROVIDING FOR THE PAYMENT OF EMPLOYES AND CONTINGENT EXPENSES OF THE LEGISLATURE. *H. J. R. No. 12; Passed over. Veto March 14, 1903.*

*Resolved: By the House of Representatives and the Council of the Legislative Assembly of the Territory of New Mexico:*

Section 1. That there is hereby appropriated for the pay of interpreters, translators and the contingent expense of the 35th legislative assembly, up to and including the 60th day of the session the following sums, to-wit:

For the house of representatives the sum of. . . . . \$ 4,840 00  
For the legislative council the sum of. . . . . 2,800 00

Sec. 2. The territorial auditor is hereby directed to draw his warrant in favor of the speaker of the house and the president of the council respectively, for the sums of money appropriated for use of each house and the territorial treasurer is directed to pay the same out of any funds in his hands except funds for the payment of interest on public debt:

*Provided*, that no amount herein appropriated shall be deducted from any funds which will in any way decrease the appropriation allowed the penitentiary.

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JOINT RESOLUTION 15.

MAKING AN APPROPRIATION FOR THE PAYMENT OF THE EXPENSES OF THE INSTITUTIONS INSPECTION COMMITTEES. *H. J. R. No. 10; Approved March 14, 1903.*

*Be it resolved by the House and Council of the 35th Legislative Assembly of the Territory of New Mexico:*

That there is hereby appropriated out of the territorial salary fund the sum of two hundred and fifty-five dollars (\$255.00) to cover the expenses of the house committee named by the speaker, for the purpose of inspecting the New Mexico Military Institute at Roswell; and,

Be it further resolved that there is hereby so appropriated the sum of three hundred dollars (\$300.00) to cover the expenses of a like committee which was named for the purpose of inspecting the New Mexico Agricultural and Mechanic Arts College.

The territorial auditor is hereby directed to draw his warrant on the territorial treasurer in favor of the speaker of the house for the respective sums mentioned herein.

## JOINT RESOLUTION 16.

MAKING AN APPROPRIATION TO PAY WAGES OF OFFICERS AND CLERKS FOR TEN DAYS AFTER ADJOURNMENT OF THE LEGISLATURE. *H. J. R. No. 11; Approved March 16, 1903.*

*Be it resolved by the House of Representatives of the 35th Legislative Assembly of the Territory of New Mexico, the Council concurring therein:*

First, that there be and is hereby appropriated the sum of five hundred dollars (\$500.00) to meet and pay the wages of the speaker of the house and the chief clerk, and additional clerks to be selected by the speaker of the house at five dollars (\$5.00) per day, for ten days after the adjournment of the legislature; and the further sum of five hundred dollars (\$500.00) to meet and pay the wages of the president of the council, the chief clerk, and additional clerks to be named by the president of the council at five dollars (\$5.00) per day, for ten days after the adjournment of the legislature;

And be it further resolved, that on presentation of this resolution to the auditor of the Territory of New Mexico, the said auditor shall draw his warrant upon the territorial treasurer in favor of the speaker of the house, Nestor Montoya, and the president of the council, J. Francisco Chaves, for the sum of five hundred dollars (\$500.00) each, respectively, and the territorial treasurer is hereby ordered and directed to pay the same out of any funds in the treasury except the interest fund at the time of the presentation of said warrant: *Provided*, that no amount herein appropriated shall be deducted from any funds which will in any way decrease the appropriation allowed the penitentiary:

*And provided further*, that the chief clerk of each body of said assembly shall certify the pay roll in the manner herein provided by law.

## JOINT RESOLUTION 17.

PROVIDING FOR ADDITIONAL PAY FOR THE REGULAR CAPITOL EMPLOYEES. *H. J. R. No. 4; Approved March 19, 1903.*

*Be it resolved by the Council and House of Representatives of the Legislative Assembly of the Territory of New Mexico:*

That the regular employes of the territorial capitol be and they are hereby placed on the roll of the additional employes of this body, viz: Cosme Alarid, Jose Amado Martinez, Luis Baca, Manuel Alarid, Ricardo Alarid and Fred Thayer, to be



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paid each fifty (50) cents per day from the first day of this session and during the duration of the same.

That the sum of one hundred and eighty dollars (\$180.00) or so much thereof as may be needed is hereby appropriated out of any funds in the hands of the territorial treasurer, for the payment of said employes, not appropriated for the payment of interest on the territorial debt, and the territorial auditor is hereby directed to draw his warrant in behalf of the chief clerk of this house who shall pay the same to the said employes at such times as the other employes of this body are paid, and the territorial treasurer is hereby directed to pay the said warrant out of any funds in his hands except moneys for the payment of interest on the bonded debt.

# JOINT MEMORIALS.

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## JOINT MEMORIAL 1.

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PETITIONING SENATE OF UNITED STATES CONGRESS TO PASS  
THE OMNIBUS STATEHOOD BILL. *C. J. M. No. 1; Approved  
January 22, 1903.*

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*To the Senate of the United States Congress:*

Your memorialist, the legislative assembly of the Territory of New Mexico, most respectfully represents, that on the second day of February, A. D. 1848, by the treaty of Guadalupe Hidalgo, entered into between the United States and the Republic of Mexico, the territory embraced within the Territories of New Mexico and Arizona was ceded to the United States.

That by that treaty the government of the United States solemnly pledged the people of the ceded territory that the same would be incorporated into the union of the states, and the people thereof admitted to the enjoyment of all the rights of citizens of the United States.

That the national conventions of the republican and democratic parties have repeatedly pledged the support of their representatives in the United States senate and house of representatives to the admission of the Territories of Oklahoma, New Mexico, and Arizona, to the sisterhood of states.

That the house of representatives of the congress of the United States, has, in compliance with the treaty obligations of the United States and the political obligations of its members, passed a bill (H. R. 12,543) to enable the people of Oklahoma, New Mexico, and Arizona, to form constitutions and state governments, and to be admitted into the union on an equal footing with the original states.

That this bill has been transmitted to and is now pending in your honorable body, without final action having been taken thereon.

That said bill embodies the hopes and aspirations of the people of New Mexico, who are well fitted to assume the form of government provided for in said bill, as is evidenced by the fact that New Mexico has made more educational progress during the last decade than any other part of the nation, and has a common school system the peer of any in the

nation; that within her boundaries there is taxable property of the value of more than two hundred million dollars; that she has a sufficient population, who have manifested their devotion and loyalty to the government of the United States by furnishing more soldiers for the defense of the government, according to population, in both the Civil and Spanish-American wars, than any state or other territory in the nation.

In the opinion of your memorialist, the people of Oklahoma and Arizona are likewise entitled to the blessings of statehood which will be secured to them by passing said bill; and because the people of the Territories of Oklahoma, New Mexico, and Arizona, have an inherent right to such admission by virtue of the principles enunciated in the Declaration of Independence, because such admission is vouchsafed them by the policy pursued by the government of the United States in the admission of nearly all the states to the nation at a time when they were less fitted to assume self government than are Oklahoma, New Mexico, and Arizona, at the present time, because a territorial form of government is intolerable and obnoxious to a free and ambitious people, because it is an incongruity under American institutions and should be maintained only so long as absolutely necessary to prepare its people for self government, because it is a denial of the right of the people to take part in the affairs of the nation which requires allegiance and support from it, and because capital has not complete confidence in such a form of government, and reluctantly lends its aid to the development of its resources.

We, therefore, most respectfully petition your honorable body to pass at the earliest date possible, consistent with the rights of and courtesies due to every one of the members of your honorable body, said bill (H. R. 12,543) now pending and popularly known as the omnibus bill. And it is hereby resolved by the legislative assembly of the Territory of New Mexico, that the chief clerks of the legislative council and house of representatives respectively, are hereby directed to transmit certified copies of this memorial to the honorable president pro tem of the senate of the congress of the United States; and it is hereby further resolved that the president of the council and the speaker of the house of representatives be directed to telegraph a copy of this memorial to the president pro tem of the senate.

## JOINT MEMORIAL 2.

REQUESTING THE LEGISLATIVE ASSEMBLIES OF ARKANSAS, CALIFORNIA, KANSAS, MISSOURI, MONTANA, NEVADA, NORTH DAKOTA, SOUTH DAKOTA, OREGON, UTAH, WASHINGTON AND WYOMING, TO PETITION CONGRESS TO PASS THE OMNIBUS STATEHOOD BILL. *C. J. M. No. 2; Approved January 22, 1903.*

*To the Legislative Assemblies of the States of Arkansas, California, Kansas, Missouri, Montana, Nevada, North Dakota, South Dakota, Oregon, Utah, Washington and Wyoming:*

Your memorialist, the legislative assembly of the Territory of New Mexico, most respectfully represents that on the second day of February, A. D. 1848, by the treaty of Guadalupe Hidalgo, entered into between the United States and the Republic of Mexico, the territory embraced within the territories of New Mexico and Arizona was ceded to the United States.

That by that treaty the government of the United States solemnly pledged the people of the ceded territory that the same would be incorporated into the union of the states, and the people thereof admitted to the enjoyment of all the rights of citizens of the United States.

That the national conventions of the republican and democratic parties have repeatedly pledged the support of their representatives in the United States senate and house of representatives to the admission of the Territories of Oklahoma, New Mexico, and Arizona, to the sisterhood of states.

That the house of representatives of the congress of the United States has, in compliance with the treaty obligations of the United States and the political obligations of its members, passed a bill (H. R. 12,543) to enable the people of Oklahoma, New Mexico, and Arizona, to form constitutions and state governments, and to be admitted into the union on an equal footing with the original states.

That this bill has been transmitted to and is now pending in that honorable body, without final action having been taken thereon.

That said bill embodies the hopes and aspirations of the people of New Mexico, who are well fitted to assume the form of government provided for in said bill, as is evidenced by the fact that New Mexico has made as much educational progress during the last decade as any other part of the nation, and has a common school system the peer of any in the nation; that within her boundaries there is taxable prop-

erty of the value of more than two hundred million dollars; that she has a sufficient population, who have manifested their devotion and loyalty to the government of the United States by furnishing more soldiers for the defense of the government, according to population, in both the Civil and Spanish-American wars, than any state or other territory in the nation.

In the opinion of your memorialist, the people of Oklahoma and Arizona are likewise entitled to the blessings of statehood which will be secured to them by passing said bill; and because the people of the Territories of Oklahoma, New Mexico, and Arizona, have an inherent right to such admission by virtue of the principles enunciated in the Declaration of Independence, because such admission is vouchsafed them by the policy pursued by the government of the United States in the admission of nearly all the states to the nation at a time when they were less fitted to assume self-government than are Oklahoma, New Mexico, and Arizona, at the present time, because a territorial form of government is intolerable and obnoxious to a free and ambitious people, because it is an incongruity under American institutions and should be maintained only so long as absolutely necessary to prepare its people for self-government, because it is a denial of the right of the people to take part in the affairs of the nation which requires allegiance and support from it, and because capital has not complete confidence in such a form of government, and reluctantly lends its aid to the development of its resources.

We, therefore, most respectfully petition your honorable body to memorialize the senate of the congress of the United States to pass, at the earliest date possible consistent with the rights of and courtesies due to every one of the members of that body, said bill (H. R. 12,543) now pending in that body, and popularly known as the omnibus bill.

And we further respectfully petition your honorable body that you, by suitable resolutions, request your representatives in the senate of the United States congress to aid the prompt passage of said bill by their voice and vote.

And it is hereby resolved, by the legislative assembly of the Territory of New Mexico, that the president of the council and the speaker of the house of representatives of this legislative assembly be directed to transmit a certified copy of this memorial to the legislative assemblies of the states hereby memorialized; and further resolved, that the president of the council and speaker of the house of representatives be directed to telegraph a copy of this memorial to the legislative assemblies of the states hereby memorialized.

## JOINT MEMORIAL 3.

TO THE PRESIDENT OF THE UNITED STATES, ASKING THAT THE  
FORT MARCY ABANDONED MILITARY RESERVATION BE  
GRANTED THE CITY OF SANTA FE, "FOR PUBLIC USE." *H.*  
*J. M. No. 1; Approved February 18, 1903.*

Be it resolved that the following joint memorial be adopted  
by the 35th legislative assembly of the Territory of New  
Mexico:

*To the President of the United States:*

Your memorialist, the 35th legislative assembly of the Ter-  
ritory of New Mexico, submits for your consideration in be-  
half of the people of the territory:

That situate in the ancient and historic City of Santa Fe,  
cornering on the main public square or "plaza," is a tract of  
government land consisting of some fifteen acres, more or  
less, on which was established a military post by executive  
order of date August 28th, 1868, but which had been used for  
military purposes by the Spaniards, Mexican and American  
authorities successively for more than a century prior to that  
date. It was relinquished by executive order of October 1st,  
1891, and by similar order of June 15th, 1895, was transferred  
to the interior department. The buildings on this tract of  
land number twenty or more, and with the exception of a  
small brick cottage are constructed of adobe.

Your memorialist would further respectfully represent  
that the government of the United States now has in its em-  
ploy thousands of public school teachers in Porto Rico and the  
Philippines, whereas during all the long years New Mexico  
has been a part of United States' territory absolutely noth-  
ing has been done by the parent government for the educa-  
tion of her children. For more than half a century this  
people have been left to meet and overcome the most serious  
obstacles which no other people within the domain of the  
United States have ever had to contend with in order to at-  
tain whatever of enlightenment and the spirit of progressive  
American citizenship they today possess; they have been  
compelled to depend upon their own limited resources, con-  
tending against an arid climate, in the midst of unsettled  
social conditions characteristic of the frontier, while at the  
same time carrying on a continuous warfare for more than a  
quarter of a century with savage Indians within their bor-  
ders. Yet, notwithstanding these many drawbacks, it can  
be truthfully asserted that they have made good and com-  
mendable progress in the cause of education, and are well  
worthy the helping hand of every true American. If, half a

century ago, the United States government, as by every moral and humane right it should have done, had sent train loads of teachers into New Mexico as it has done for the Philippines and other newly acquired territories, this population would rank today with the most enlightened and industrious communities of our common country. For what they have done in the matter of school training, and what they are eagerly trying to do, these people are entitled to all credit, and are entitled, in the opinion of your memorialist, to all the aid they at this late day may be able to secure through the asking in order to go further with their school work.

Therefore, In view of these facts and the peculiar circumstances, we urge and petition that you, Mr. President, exercise your official prerogative as conferred upon your office by the act of March 3rd, 1893, (27 Stat. 593), and issue your proclamation granting to the municipal corporation of Santa Fe this property for "public use," said reservation not exceeding twenty acres in extent.

And your memorialist will ever pray.

*And be it further resolved by the Legislative Assembly of the Territory of New Mexico:*

That the secretary of this territory be, and he is hereby requested to certify a copy thereof forthwith to the president of the United States.

#### JOINT MEMORIAL 4.

PETITIONING FOR RIGHT AND AUTHORITY TO LEGALLY REFUND THE BONDED INDEBTEDNESS OF TAOS COUNTY, NEW MEXICO. C. J. M. No. 3; Approved February 28, 1903.

*The 35th Legislative Assembly of the Territory of New Mexico, to the Congress of the United States:*

Whereas, the bonded indebtedness of Taos county, New Mexico, amounts to forty-two thousand four hundred dollars (\$42,400.00) and the actual interest charge thereon amounts to two thousand five hundred and forty-four dollars (\$2,544.00) which is at the rate of six per cent. per annum, and the floating debt of said county amounts to about seven thousand dollars (\$7,000.00).

And whereas, the assessed valuation for taxation purposes amounts to five hundred and eighty-six thousand seven hundred and fifty-six dollars (\$586,756.00) for the year 1902, making the indebtedness of said county in excess of the congressional limitation as expressed in the Springer Act.

And whereas, the bonded indebtedness was incurred before the passage of the said Springer Act by congress.

And whereas, the said floating debt is a source of great annoyance and the cause of vexatious litigation and it is the desire of the commissioners of said Taos county and the people of said county to recognize as legal, and to pay the said floating debt, and not to repudiate any portion of any legal obligation of said county.

And whereas, it is the desire of the people of the County of Taos to refund the entire bonded indebtedness of said county into five per cent. bonds, and to refund the floating debt of said county into five per cent. bonds, and thereby place the County of Taos upon a sound financial basis and without increasing the annual interest charge.

And whereas, it is the desire of said County of Taos and the people thereof to have this bonded debt legalized beyond any question of doubt on account of the said limitation placed upon the indebtedness of counties by the Springer Act in view of the fact that it is the desire now to refund the bonded debt at a lower rate of interest, so that the value of the said refunded bonds may not be injured.

And whereas, it is the desire of the people of the County of Taos to pay all of their debts in full and the people are fully able to meet all their obligations provided they are given the right and authority to bond the floating debt of Taos county; and it is the earnest desire of the said county to reduce the interest rate upon the present bonded debt which said bonds have now reached optional maturity.

And whereas, the annual interest charge upon the entire bonded debt of said county, including the floating debt, at the rate of five per cent. would not be in excess of the present annual interest charge upon the present bonded debt at the rate of six per cent.

And whereas, the present interest charge is being promptly met and discharged by the said county upon the basis of the present taxable valuation.

And whereas, the valuation of the County of Taos is now greatly increased by the addition of many land grants to the taxable valuation, which land grants have been lately confirmed and the official surveys thereof have been approved by the court of private land claims; and the valuation of the said county is being rapidly increased by the rapid development of the mining resources of the county, and the reclamation of much arid land by irrigation enterprises.

Now, therefore, your memorialist, the 35th legislative assembly of the Territory of New Mexico, earnestly prays for the passage of an act by congress authorizing and empower-



ing the County of Taos to fund its floating debt of seven thousand dollars (\$7,000.00) and its bonded debt of forty-two thousand and four hundred dollars (\$42,400.00) six per cent. bonds into five per cent. bonds. And,

Be it resolved, by the legislative assembly of the Territory of New Mexico, that the chief clerk of the council of the legislative assembly of the territory be and he is hereby directed to certify copies hereof to the president of the senate, the speaker of the house of representatives, and to our delegate to congress, Honorable Bernard S. Rodey.

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### JOINT MEMORIAL 5.

REQUESTING THE PASSAGE OF H. R. 17,087 INTRODUCED IN THE HOUSE OF REPRESENTATIVES JANUARY 27TH, 1903, TO PERMIT THE ERECTION OF DRIFT FENCES ON THE PUBLIC LANDS IN NEW MEXICO AT PLACES WHERE SUCH LANDS ARE NOT IMMEDIATELY NEEDED FOR SETTLEMENT OR OTHER USES. *H. J. M. No. 2; Approved March 4, 1903.*

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*Memorial to the Congress of the United States:*

Your memorialist, the 35th legislative assembly of the Territory of New Mexico, now in session at Santa Fe, most respectfully represents that:

Whereas, the cattle interests of New Mexico are threatened by tick-infected cattle which drift from fever-infected districts in the State of Texas across our east and south territorial lines, and,

Whereas, the said country covers a distance of over four hundred miles, which cannot be adequately protected by the cattle sanitary board of this territory, and whereas said H. R. Bill 17,087 introduced by Hon. Bernard S. Rodey, delegate to congress, will permit the cattle men to erect fences, thus preventing the invasion of fever-infected cattle into our territory from the State of Texas.

Therefore be it resolved, by the legislative assembly as the representatives of the people of the Territory of New Mexico, that we ask for, and urge upon the congress of the United States that they pass said mentioned bill.

Be it further resolved, that the secretary of the territory be, and hereby is directed to make, and transmit four copies of this memorial to our delegate in congress, one for himself and three to be transmitted by him to the chairmen of the proper committees of the senate and house of representatives.

## JOINT MEMORIAL 6.

RELATING TO THE PROTECTION OF AMERICAN CITIZENS, TEMPORARILY RESIDING IN MEXICO. *H. J. M. No. 3; Approved March 9, 1903.*

*To the President:*

SIR: Your memorialist, the legislative assembly of the Territory of New Mexico, respectfully represents that there are a large number of American citizens, residing in the Republic of Mexico, who are engaged in the train service of the various railroad companies operating lines of railway and other occupations in that country.

That, under the peculiar laws and institutions of that republic, a person charged with any infraction of its laws is compelled to prove himself innocent, the burden of proof in any case resting upon the individual to prove his innocence rather than upon the government to prove his guilt.

That there are at present confined in the jails of Mexico a large number of American citizens whose occupation is that of railroading, who, while in the conduct and operation of locomotives and trains of cars in various parts of the republic, have been so unfortunate as to meet with accidents resulting in the death of some Mexican citizen, for the death of whom no one is criminally or otherwise liable or chargeable with blame or neglect.

That many such unfortunate trainmen have been unable to secure a trial upon the charges on which they have been incarcerated and have likewise been refused the privilege of giving bond for their appearance at any trial therefor.

That citizens of other nations, notably England, France and Germany, are always speedily released upon bond or given a trial within a reasonable length of time when charged with similar infraction of law.

Now, therefore, your memorialist, most earnestly requests that the government of the United States of America, through its state department may institute such proper proceedings or undertake the prosecution of such diplomatic relations with the government of the Mexican Republic as will speedily terminate the wrongful detention of American citizens charged with infraction of Mexican laws as in this memorial represented and prevent the recurrence thereof, thereby affording to our citizens the same protection as is given to the citizens of other governments temporarily residing in Mexico and pursuing the vocations herein stated.

And your memorialist will ever pray, and,

Be it resolved, that the chief clerk of the house of representatives of the 35th legislative assembly of the Territory of New Mexico, be, and he hereby is directed to transmit a copy of the foregoing memorial to the president of the United States.

### JOINT MEMORIAL 7.

REQUESTING THAT THE SECRETARY OF THE INTERIOR SEGREGATE CERTAIN LANDS IN SAN JUAN COUNTY. *H. J. M. No. 4; Approved March 16, 1903.*

The 35th legislative assembly of the Territory of New Mexico:

*To the Honorable, the Secretary of the Interior:*

Whereas, there are thousands of acres of public lands situate on the Rio Las Animas and the Rio San Juan, in the County of San Juan, in the Territory of New Mexico, which lands are of unrivalled fertility and productiveness when supplied with water for irrigation purposes, and,

Whereas, said streams of water have a never failing supply, being fed by the snow falls in the lofty ranges of the Rocky Mountains in the State of Colorado where these streams have their source, and,

Whereas, there are a number of suitable reservoir sites and more especially one very desirable site within six miles of the town of La Plata in said County of San Juan, and,

Whereas, if the government of the United States, under the act of congress, would build said reservoir and other reservoirs at suitable places in said County of San Juan, there could be thousands of acres of the public lands reclaimed and made desirable for settlement and occupation by American families in a section of the country which has the most salubrious climate and the most productive soil of any section in the world.

Now therefore, your memorialist respectfully requests and most earnestly solicits that under and pursuant to the provisions of said act which authorizes your department to make investigations, that you at the earliest possible opportunity order that an investigation of the possibilities of said sections be made and that as soon as the reservoir sites may be located that the lands thereunder and which can be irrigated from said reservoirs be segregated from the public domain and held for actual settlers as contemplated by the terms of the act of congress.

Be it resolved, that certified copies of this memorial be

transmitted by the governor of the Territory of New Mexico to the president of the United States and to the Honorable, the Secretary of the Interior.

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### JOINT MEMORIAL 8.

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REQUESTING THE PASSAGE BY CONGRESS OF HOUSE BILL NO. 15369, KNOWN AS THE GOOD ROADS LAW. *H. J. M. No. 5; Approved March 17, 1903.*

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Whereas, it appears that there is now pending in the congress of the United States, a measure introduced by Honorable Walter P. Brownlow in the house of representatives which seeks to establish a policy to be pursued by the United States government in reference to the public improvement of the public highways of the country, and,

Whereas, the said bill appears to be a good and wholesome measure for the establishment and maintenance of public highways in the country.

Now, therefore, your memorialist, the 35th legislative assembly of the Territory of New Mexico, respectfully requests the congress of the United States to pass said bill at its next regular session, believing that the same will be of a great and lasting benefit to the people of the country, Now, therefore,

*Be it resolved by the 35th Legislative Assembly of the Territory of New Mexico:*

That the foregoing memorial be and the same hereby is adopted, and that the secretary of this territory be and he is hereby requested to certify copies thereof to the president of the senate and the speaker of the house of representatives of the United States, and a copy to our delegate in congress, the Honorable B. S. Rodey, and to Honorable W. P. Brownlow, at Washington, D. C.

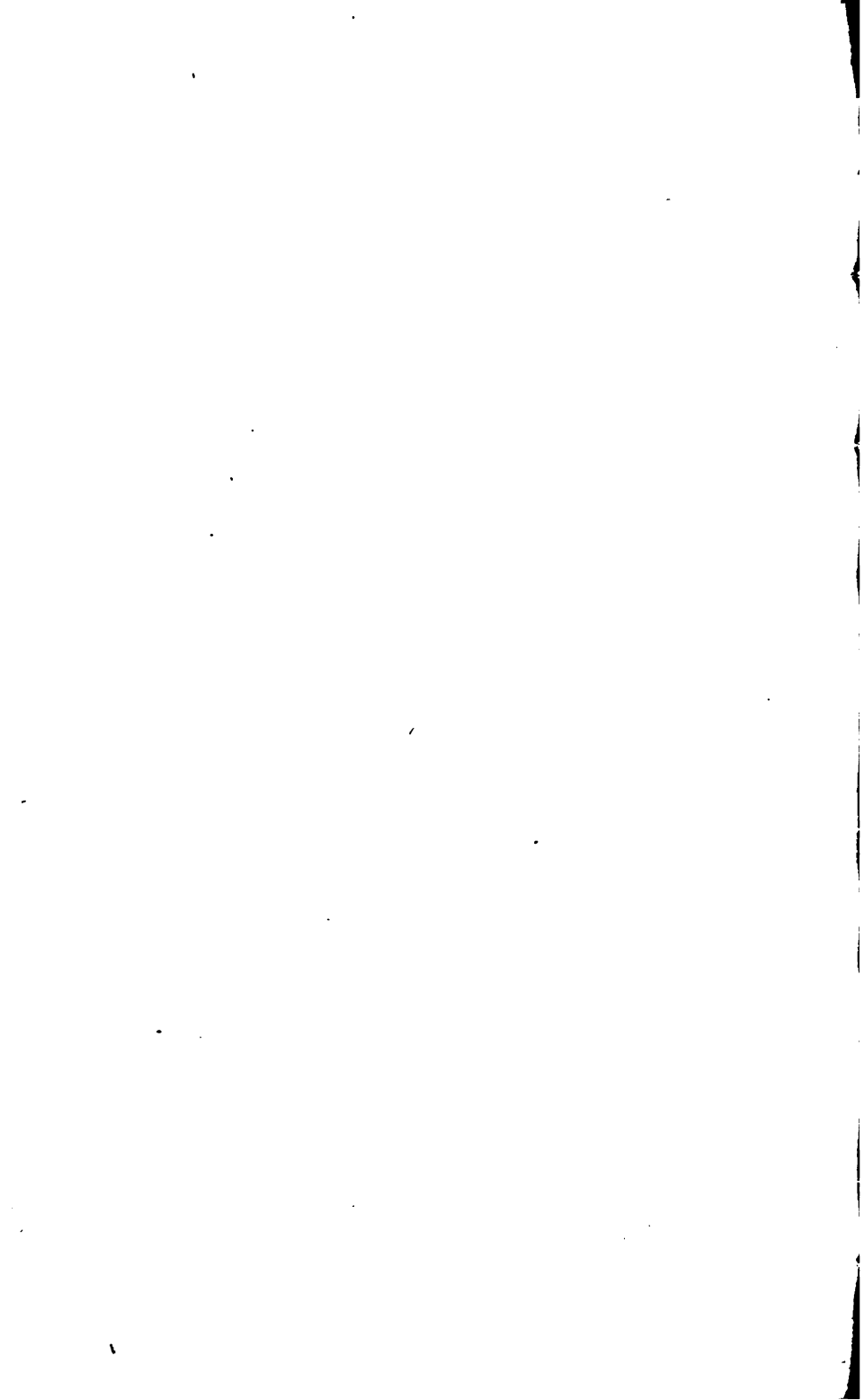
TERRITORY OF NEW MEXICO, }  
OFFICE OF THE SECRETARY. } SS

I, J. W. Raynolds, Secretary of the Territory of New Mexico, do hereby certify that I have compared the foregoing printed copies of the Acts, Joint Resolutions and Joint Memorials of the Thirty-fifth Session of the Legislative Assembly of the Territory of New Mexico, with the enrolled and engrossed originals thereof now on file in this office, and declare them to be correct transcripts therefrom and of the whole thereof.



Given under my hand and the Great Seal of the Territory of New Mexico, at Santa Fe, the Capital, this the first day of June, A. D. 1903.

J. W. RAYNOLDS,  
Secretary of New Mexico.



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The following Sections of the Compiled Laws of 1897 have been Amended or Repealed by the Session Laws of 1899:

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The following Sections of the Compiled Laws of 1897 have been Amended or Repealed by the Session Laws of 1901:

16 A; title 25 A; 92 R; 125 A; 145 R; 146 R; 147 R; 148 R; 149 R; 150 R; 151 R; 154 R; 154 (a) R; 241 A; 260 A; 301 A; 511 A; 738 A; 1431 R; 1432 R; 1477 A; 1509 R; 1510 R; 1511 R; 1512 R; 1513 R; 1514 A; 1526 A; 1537 A; 1540 A; 1556 A; 1613 A; 1654 R; 1655 R; 1831 R; 1832 R; 1833 R; 1834 R; 1938 R; 1939 R; 1941 R; 1943 A; 1945 R; 1946 R; 1955 R; 1961 R; 2005 A; 2023 R; 2030 R; 2031 R; 2249 R; 2253 R; 2262 R; 2464 R; 2402 sub-secs. 31 and 32 R; 2477 A; 2640 R; 2541 R; 2642 R; 2643 R; 2644 R; 2645 R; 2646 R; 2685 sub-secs. 39, 98, 104, 152 and 156 A; 3016 A; 3107 A; 3108 R; 3109 R; 3945 A; 3420 A; 3468 R; 3469 R; 3470 R; 3471 R; 3472 R; 3670 R; 3704 R; 3705 R; 3711 R; 3910 A; 3933 R; 3943 R; 3944 R; 3950 R; 3951 R; 3952 R; 3959 R; 3962 R; 3963 R; 3968 R; 3970 R; 4021 A; 4051 A; 4067 A; 4068 A; 4125 A; 4132 A; 4141 sub-divs. 1 and 2 A; 4144 A; 4147 A; 4149 A; 4154 R; 4155 A; 4156 A.

The following Sections of the Compiled Laws of 1897 have been Amended or Repealed by the Session Laws of 1903:

8 A; 9 A; 10 A; 11 A; 12 R; 13 A; 13 R; 24 A; 30 R; 31 R; 32 A; 32 R; 33 R; 34 R; 35 R; 36 R; 37 R; 38 R; 39 R; 100 A; 168 R; 197 A; 200 A; 223 A; 445 A; 446 A; 598 R; 599 R; 600 R; 601 R; 602 R; 603 R; 604 R; 605 R; 606 R; 607 R; 608 R; 609 R; 610 R; 611 R; 612 R; 1067 A; 1271, R; 1534 A; 1535 A; 1537 A; 1543 A; 1548 3rd Para. A; 1548 last Para. A; 1555 A; 1613 A; 1633 A; 1701 A; 1706 A; 2052 A; 2053 A; 2402 sub-sec. 82nd R; 2402 sub-sec. 92nd A; 2485 sub-sec. 175 A; 2921 A; 3041 A; 3043 A; 3052 A; 3053 R; 3054 R; 3055 R; 3721 A; 3722 A; 3850 sub-div. 2 A; 4021 A.

The following Sections and Chapters of the Session Laws of 1899 have been Amended or Repealed by the Session Laws of 1901:

Ch. 11 A; Ch. 12 R; Sec. 2, Ch. 19, R; Sec. 8, Ch. 22, A; Sec. 19, Ch. 22, A; Secs. 26 and

27, Ch. 22, A; Sec. 1, Ch. 26, A; Ch. 32 A; Ch. 34 R; Secs. 1, 12, 13, 14, 15, 22, 23 and 24, Ch. 58, A; Sec. 29, Ch. 58, R; Secs. 2, 5, 6, 12, 13, 18 Para. 5, 21 Para. 2, 22, 23, 27, 28, 29, 30, 32, 33 and 34, Ch. 74, A; Sec. 8, Ch. 75, A; Secs. 3 and 4, Ch. 77, R; Sec. 5, Ch. 77, A; Secs. 1 and 3, Ch. 78, A; Sec. 21, Ch. 80, R

The following Sections and Chapters of the Session Laws of 1899 have been Amended or Repealed by the Session Laws of 1903:

Sec. 21, Ch. 33, R; Sec. 1, Ch. 37, A; Ch. 51, R; Secs. 1, 2, 5, 9 and 11, Ch. 66, A; Sec. 11, Ch. 80, A.

The following Sections and Chapters of the Session Laws of 1901 have been Amended or Repealed by the Session Laws of 1903:

Sec. 5, Ch. 3, A; Ch. 10 A; Ch. 17 R; Ch. 18 A; Sec. 3, Ch. 18, R; Sec. 2, Ch. 27, A; Ch. 43 A; Sec. 7, Ch. 47, A; Sec. 10, Ch. 62, A; Ch. 64 R; Sec. 1, Ch. 67, A; Secs. 1 and 5, Ch. 72, A; Sec. 1, Ch. 74, A; Sec. 16, Ch. 81, A; Sec. 1, Ch. 82, R; Sec. 7, Ch. 82, A; Sec. 5, Ch. 84, A; Sec. 11, Ch. 90, A; Ch. 99 R; Ch. 100 R; Sec. 1, Ch. 108, A.

The following Sections and Chapters of the Session Laws of 1899 have been Amended or Repealed by the Session Laws of 1899:

Sec. 9, Ch. 3, A; Secs. 2 and 3, Ch. 9, A.

The following Sections and Chapters of the Session Laws of 1901 have been Amended or Repealed by the Session Laws of 1901:

Sec. 2, Ch. 23, A; Sec. 1, Ch. 28, A; Sec. 4, Ch. 62, A.

The following Sections and Chapters of the Session Laws of 1903 have been Amended or Repealed by the Session Laws of 1903:

Ch. 9, provisions extended; Secs. 1, 2 and 3, Ch. 9, A; Secs. 2 and 3, Ch. 27, A; Sec. 1, Ch. 46, A; Sec. 17, Ch. 52, A.



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### ERRATA.

Chapter 29, sec. 1, line 3—For “chooses” read *choses*.

Chapter 48, sec. 14, line 4—For “act” read *fact*.

Index, page 263, fifth line from the bottom—For year  
“1891” read 1899.





